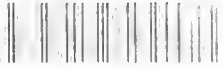


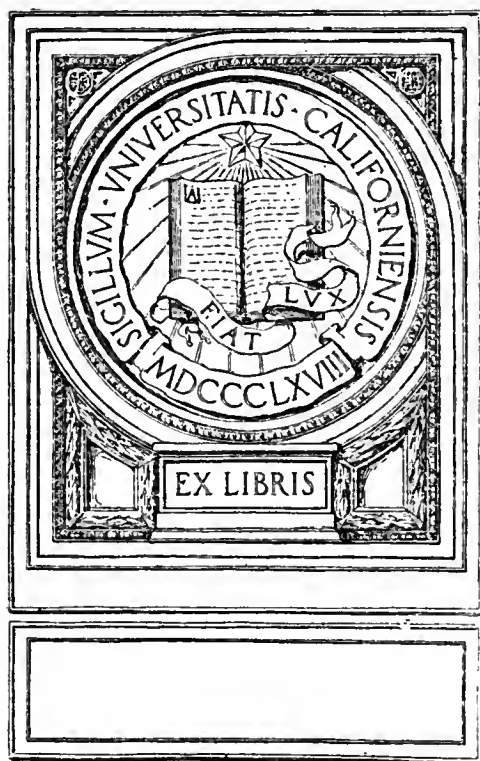
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*W. H. Wood* 1838



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A

# DIARY

OF THE PROCEEDINGS

IN THE

PARLIAMENT AND PRIVY COUNCIL

OF SCOTLAND.

MAY 21, MDCC.—MARCH 7, MDCCVII.

BY SIR DAVID HUME OF CROSSRIGG,

//

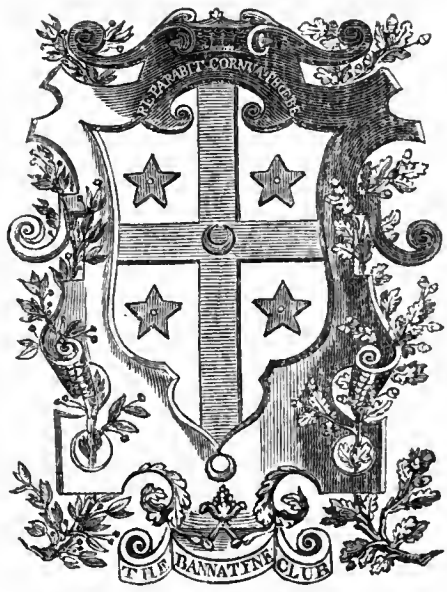
ONE OF THE SENATORS OF THE COLLEGE OF JUSTICE.

PRINTED AT EDINBURGH:

M.DCCC.XXVIII.

TO THE  
MEMBERS

JN1267  
C7





TO  
SIR WALTER SCOTT, BAR<sup>T</sup>.  
*President,*  
AND  
THE MEMBERS OF THE BANNATYNE CLUB,  
THIS CONTRIBUTION IS PRESENTED  
BY  
THEIR VERY OBEDIENT SERVANT,  
JOHN HOPE.

29<sup>TH</sup> DECEMBER,  
M.DCCC.XXVIII.



# THE BANNATYNE CLUB.

JULY M.DCCC.XXVIII.

---

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[PRESIDENT.]

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THE RIGHT HONOURABLE WILLIAM ADAM, LORD CHIEF  
COMMISSIONER OF THE JURY COURT.

SIR WILLIAM ARBUTHNOT, BARONET.

5 JAMES BALLANTYNE, ESQ.

SIR WILLIAM MACLEOD BANNATYNE.

THE RIGHT HONOURABLE LORD BELHAVEN AND STENTON.

GEORGE JOSEPH BELL, ESQ.

ROBERT BELL, ESQ.

10 WILLIAM BELL, ESQ.

JOHN BORTHWICK, ESQ.

WILLIAM BLAIR, ESQ.

GEORGE BRODIE, ESQ.

BRUDENELL J. BRUCE, ESQ.

15 HIS GRACE THE DUKE OF BUCCLEUCH AND QUEENSBERRY.

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- 30 THE COUNT DE FLAHAULT.  
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THE RIGHT HONOURABLE LORD GRAY.  
THE RIGHT HONOURABLE THE EARL OF HADDINGTON.  
HIS GRACE THE DUKE OF HAMILTON AND BRANDON.  
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THE REVEREND JOHN LEE, D. D.

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SIR JOHN ARCHIBALD STEWART, BARONET.

THE HONOURABLE CHARLES FRANCIS STUART.

ALEXANDER THOMSON, ESQ.

85 THOMAS THOMSON, ESQ. [VICE-PRESIDENT.]

W. C. TREVELYAN, ESQ.

PATRICK FRASER TYTLER, ESQ.

THE following Diary may perhaps be thought not to possess as much interest as might have been expected from the opportunities and habits of observation of the writer, and the discussions carried on during the period which it embraces.

But it is believed to be the only Record of the sort which has ever been printed. And it undoubtedly affords a very curious and interesting view of national character, and seems to suggest some valuable materials for reflection, on the causes which contribute to form the character of Legislative Bodies, and to create in individuals the spirit, the feelings, and the habits of thought and of action, essential to render the deliberations of such Bodies either useful or dignified.

The perusal of this Diary may, perhaps, lead one to think that the remark at p. 194, that "the day was spent in jangling, and nothing done," is applicable to many of the discussions noticed in the Diary.

Of the writer of this Diary, I have not been able to obtain much information. But I am indebted to Mr Riddell for some notices respecting him.

From various deeds, preserved in the Blackader Charter Chest, or in the

Great Seal Record, it appears that he was a brother of Sir John Home of Blaccader, Bar<sup>t</sup>., created 1671.—Lord Croffrig spelt his name Hume.

The following notice of him occurs in Pitmedden's Abridgment of the Acts of Sederunt, with remarks, (MS. Advocate's Library.)

“ *3d June, 1687.*—Mr David Home, *a sone of the hous of Blaccater*, in the Merse, is this day admitted advocate upon his petition, *without tryall of his qualificatiounis*, becaus he represented that he had studied the civill law abroad with the Lord Reidfoord, ane of the Lordis ther number, Sir Patrick Home, and Sir Jone Lauder, advocates, who will give testimony of his diligence and proficiency in that study ; and that for weighty reasons he had defisted from such close prosecution of his studies as wes necessar for undergoing a strict tryall.”

In about two years after the above date, (Nov. 1689,) he was appointed one of the Judges of the Court of Session.

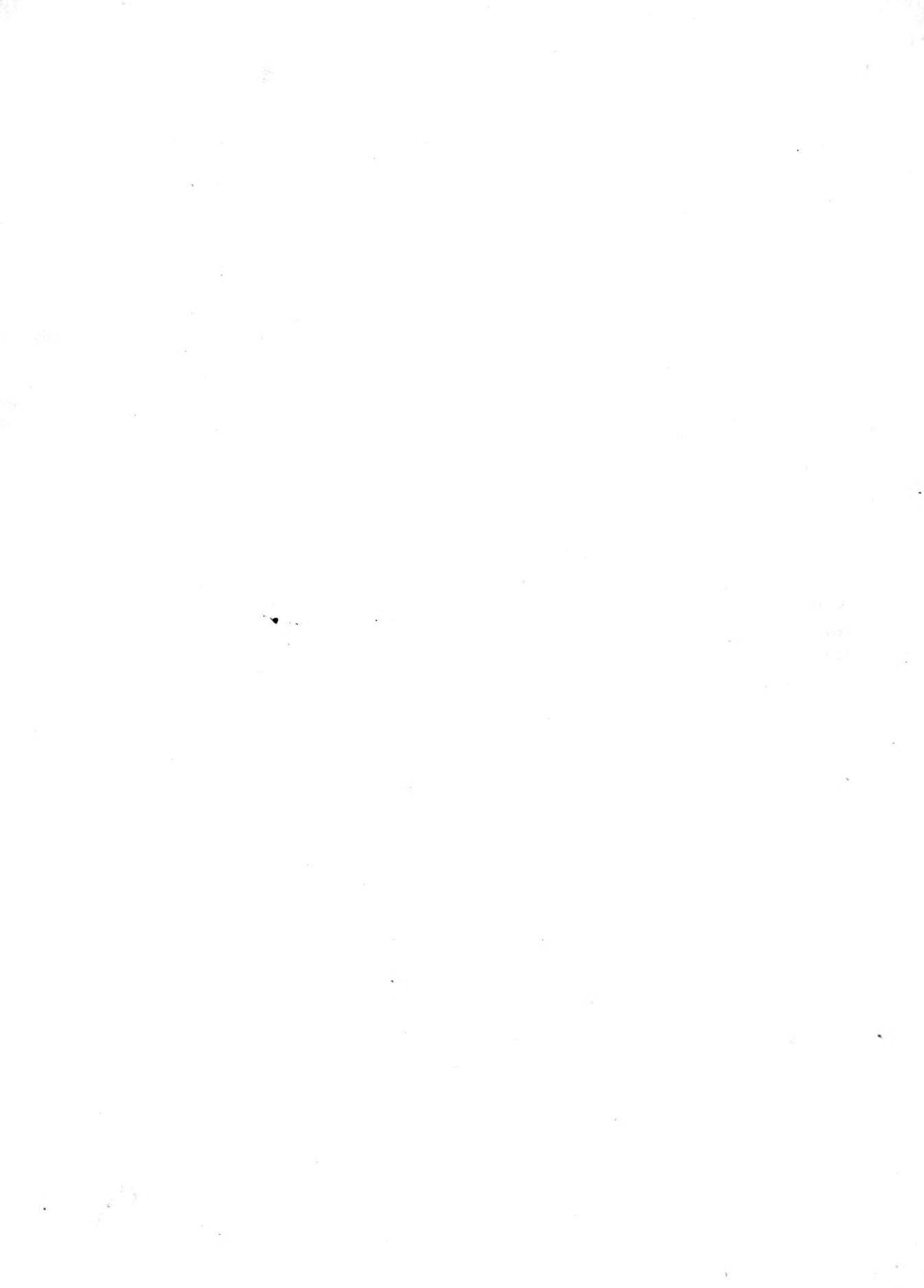
The Diary was in the possession of the late Mr Mathew Sandilands, W.S., and now belongs to John Orr, Esq., who has allowed it to be printed.



The following is the entry referred to by Lord Croffrig, at p. 194, as contained in his private Diary, but which was not obtained in sufficient time to insert in its place as a foot-note.

WEDNESDAY—JAN. 8, 1707.

At 2 went to the Parliament, where there was much jangling about some expression the D. of Athole had about his Protestation, which the D. of Argyle whispered in his ear was a lye; which being told the House by Kilmaronnock, took up a long time. At last the Parliament did remitt the adjusting the matter to the Earls of Errol, Marshall, and Leven, and took both parties' word of honour to do nothing in the mean time. Then the question was put, If the Protestations should be published at length in the Minutes; and when it seemed agreed to, the E. of Marchmont gave in a counter Protestation, That 4 of them were presumptuous, illegal, and unwarrantable, derogatory to the authority of the Queen and Parliament, and tending to sedition, &c. These matters were adjourned till next Meeting.



## OCCURRENCES

IN

### PARLIAMENT AND PRIVY COUNCIL.

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1700.

#### 1.—TUESDAY, MAY 21.

THE Council sat at the Abbey, when the King's commission, under the great seal, to his grace James, Duke of Queensberry, for being his Majesty's High Commissioner] to this eighth Session of Parliament, to take beginning this day, and to last till the last day of this Session, was read. The Earles of Eglington, Strathmore, Findlatour, and Kintore, were qualified commissioners.

The Council adjourned till Thursday, 10 a clock.

After 1 a clock, the Parliament met. Prayers said by Mr Blair. The King's commission to the Duke of Queensberry read. A Letter by the King to his Commissioner, for nominating the Lord Montgomerie to officiate as High Treasurer, given in to be read. Here it was alledged a novelty, to have a representation of an Officer of State not in being, especially not being one of the Commissioners of Treasury. It was answered, the King was in possession of it; the now Commissioner officiating so in [16]93; the now Marquis of Tweed in [16]95; the Lord Polwarth in [16]98. It was said to this, that the Parliament did never consent. It was answered, for three Parliaments it was never controverted. After a long debate, it was moved

to be voted, Whether the Letter should be read. It was said, the Rolls behoved first to be all called, for constituting the Parliament. It was answered, this Parliament was already constitute, for it is a current Parliament. At length the debate was let fall, and the Letter was read, under assurance that he should not be admitted until the debate were resumed. So the Letter being read, and the debate taken up again, the Duke of Hamilton spoke; who was asked, If he was qualified. He said, Not, but that he offered and craved to be qualified, and craved the Rolls might be called in order thereto. It was moved, This vote should be first taken before the Rolls were called. But, after some altercation, the Commissioner said, that before the King's business were retarded, he ordered the Rolls to be called; which was done. And after a little more debate, in the midst of which the Chancellour caused qualify the Lord Montgomerie; and, in fine, the debate was let fall, and he again swore the Oath of Parliament; but under a declaration by some, and acquiesced to, that it should not be a precedent for others; tho there was read an unprinted act 1617, when the King, in answer to a question of the Parliament, declared, that for time to come no more but eight Officers of State should have vote in Parliament, and that, albeit they should be employed by commission, division, or otherwise.

The King's Letter to the Parliament read. The Commissioner had his speech, and the Chancellor his.

Several new members having qualified themselves before this, and Sir Andrew Home, Commissioner for Kircudbright, had his commission controverted, as being by those who were not qualified according to A  
It was alledged, that tho the alledgeance was relevant, yet, there being no competition, it should be instantly verified. It was answered, it was not calumnious; and Garthland declared, he thought it was true. This took up a considerable time in debate; and in end he was admitted, and orders given for citing the electors; and dayes assigned for chusing Commissioners for Tweddal, Kinross, Clackmannan, Stirline, Renfrew, Nairn.

The Parliament adjourned till Fryday, 10 a clock. Prayers said be Mr Blair.

2.—FRYDAY, MAY 24.

Prayers said. Rolls called. Minutes read. Some debate occurred about Mr Higgins, commissiонер for Linlithgow, who, it was alledged laft day had not taken the affociation ; and therefore, orders given, but not signed, for a new election, becaufe it was verified he had signed the same. Now his dimiffion produced to the Parliament, in respect he is now become a preacher of the Gofpel. It was alledged, he could not dimitt without confent of the town, who muft be acquainted. It was said, he had dimitted to the town alfo in [16]98 ; and in end a petition by the town of Linlithgow, for chufing a new commissiонер.

Then it was moved by the D. of H., The act of Parliament be read, anent chufing Committees. Moved by E. of Tullibardine and Sir J. Home, The bufinefs of Caledonia be firft proceeded unto. Moved by the Treafurer-depute, That the security of our Religion be firft confidered ; that we had alfo the affair of Caledonia, and the anfwer of the King's Letter to be confidered. The Secretary told he had a good many other things, as, for encouraging manufactories, againft exportation of wool, &c. ; but, firft, that the Committees behoved to be chofen.

Resolved, That no motion come from any Committee till it be firft remitted to them by the Houfe.

Proceeded to chufe 9 of every State for the Committee of Security ; 7 for the Committee of Trade ; 5 for controverted Elections ; 1 for the anfwer of the King's Letter ; 1 for revifing the Minutes.

COMMITTEE FOR SECURITY OF THE KINGDOM.

*Lords.*—E. Melvil Lord Prefident of the Council, E. of Argyle, E. of Mar, E. Lauderdale, E. Lowdon, E. Leven, E. Annandale, E. of Errol, Lord Carmichal.

*Barons.*—Robert Craig of Riccarton, Sir John Home of Blackader, Sir Th. Burnet of Leyes, Laird of Grant, Laird of Brodie, Sir Francis Scot of Thirlestean, Lammington, Will. Bennet, younger of Grubet, Sir Will. Anstruther of that Ilk.

*Burrows.*—Sir Robert Chifeley, Mr John Murray, Mr Ro<sup>d</sup>. Stewart, Sir John Hamilton, Sir Will. Hamilton, Sir Archbald Muir, Sir James Smallot, Mr David Dalrymple, Sir Hugh Dalrymple.

#### COMMITTEE FOR TRADE.

*Lords.*—E. of Aboyne, E. of Kintore, Vis. Tarbat, Lord Forbess, L. Jedburgh, L. Ruthven, L. Boyle.

*Barons.*—Prestongrange, Sir John Houston, Stoniewood, Aislisk, Livingston, Scot y<sup>e</sup>. of Logie, Dalfolly.

*Burrows.*—James Fletcher, John Anderson for Glasgow, John Muir for Air, Robert Johnston, Mr Alex<sup>r</sup>. Cuninghame, Mr Will. Johnston, Hugh Brown.

#### COMMITTEE FOR CONTROVERTED ELECTIONS.

*Lords.*—E. Glencairn, E. Findlator, E. Carnwath, L. Jedburgh, L. Bal-  
landen.

*Barons.*—Beinton, Galla, Torwoodlie, Garthland, Houston Sharp.

*Burrows.*—Mr Francis Naper, Sir Andrew Home, Mr James Campbell, Mr John Lyon, Sir Robert Stewart.

#### COMMITTEE FOR ANSWERING THE KING'S LETTER.

E. of Argyle. Laird of Grant. Sir Hugh Dalrymple.

#### COMMITTEE FOR REVISING THE MINUTES.

Viscount Taret. Lord Fountainhall. Mr David Dalrymple.

The Parliament adjourned till Munday at 10 a clock. Prayers said.

3.—MUNDAY, MAY 27.

Praiers said. Rolls called. Minutes of last sederunt read, where there were several amendments made.

Overtures read by the Advocate concerning Religion, for ratifying all the laws against Popery, with such other additions as shall be thought fit ; also, for ratifying all the laws in favours of Presbyterie ; and another, for the better execution of the laws against profanity. Moved by my Lord Whitelaw, That acts against Presbyterie be rescinded, particularly that of the King's power of dissolving Assemblies, an. [16]63. An Act given in by my Lord Belhaven, ratifying the laws against Popery, and establishing the Presbyterian government as founded on the word of God, and most agreeable to the inclinations of the people, &c. Moved by my Lord Anstruther, That it should be high treason for any to advise the King to alter the government of the Church as it is established by law.

Moved by Viscount Tarbet, That as to Religion, we take the King's Letter to consideration, as became us in decency. It was answered, they were going on the matter of Religion ; and my Lord Whitelaw said, that if the reason of proceeding to Religion was, because the King minded it in his Letter, then a *quatenus ad omne*, &c., we should take all the things contained in the King's Letter to consideration, which was contrary to the resolve,

So remitted the business of Religion and Profanity to the Committee for Security.

Then moved, The petition for the Company trading to Africa and the Indies be read ; which was done. The D. of H. [said] that seeing no Scotsman would be against the interest of that Company, an Act be brought in asserting the Company's interest and legal title to Caledonia in Darien—be read, and gave in the overture. But before this was done, there was read a number of petitions, given in by the shires of Haddington, Roxburgh,

Perth, Stirling, towns of Cowpar, Haddington, Dumbar, the Commissioners of the shire of Lanerk, &c. all concerning Caledonia, the poor, manufactures, and many of them for easing us of a standing army.

The Chancellour told us the Parliament had fate long; they might consider better of these things till next meeting; and that the Commissioner adjourned the Parliament till Thursday next at 10 a clock: the Committee for Security to meet to morrow at 9 a clock.

It had been moved by D. H., after ending the adjusting the minutes, That the Session approaching be adjourned. The Advocate read of the A. [16]93. an Act for adjournment of the Session till November 1, and moved that might serve for a first reading. Prayers said. A complaint or information of severals upon oath read and attested by the magistrates of that an English sloop came into Loch Rye and did several abuses, &c.

#### 4.—THURSDAY, MAY 30.

Prayers said. Rolls called. The Commissioner had a speech of his intire fidelitie to the King and kindness to his countrey; that he was fully instructed to consent to many good laws, even in favours of the Company trading to Africa and the Indies; but that something had intervened, as to which he was not instructed, and therefore thought fitt to adjourn the Parliament for some short time. So the Chancellor, in the Commissioner's name, adjourned the Parliament till 20th of June next. Prayers said.

Again adjourned by Proclamation till August; then by Proclamation till October 22; from that by Proclamation till October 29.

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#### 1.—TUESDAY, OCT. 29.

The Parliament met about 1 a clock. Prayers said by Mr Blair. Rolls called. Received as uncontroverted members, the Marquis of Athol, E. of Rothes, Dalhousie, Vis<sup>c</sup>. Roseberry, Lord Rae, Robert Dundas of Arncliffe



commiffioner for Mid-Lothian, Laird of Gleneagles, &c., Walter Scot for Jedburgh, &c. A question moved by the D. of Hamilton, upon reading the commiffion to the D. of Queensberry, if this was a new Seffion or the old : after fome difcourfe, agreed it was a new Seffion. Then a letter offered by the Commiffioner from the King to him, for employing the Lord Montgomerie as Lord High Treafurer for vote in Parliament. After fome debate, and reading of the Act of Parliament 1617, and the E. of Lauderdale's motion, that the vote fhould be asked, Receive him or not, it was let fall, and he received. Then letter for the Vifcount of Seafield's acting as Secretary, read, and he named firft before the Lord Montgomerie.

Then came to a controverted election for the fhire of Wigton, Lord Bafil Hamilton having produced a commiffion, and [William] Stewart of Caftlemilk [Caftleſtewart,] having produced another. But before it was proceeded in, the King's Letter to the Parliament was read, relating to his Letter to the former Seffion, and that he was now ready to make all therein good, and many other things, for the good of church and ſtate ; but as for the colony fettled in Darien, that he could not yield to the reſolve offered in the laſt Seffion, left he ſhould involve Europe in a war, and bring it on this kingdom, without help from any hand.

The Commiffioner had a ſpeech, and the Chancellour a ſpeech, both relating to the King's Letter, and all appointed by the Commiffioner to be printed.

Moved, the orders of Parliament be read, which was accordingly done.

Then reſumed the debate about the double election, whether to be diſcuſſed in plane Parliament, or to be remitted to a Committee. Some were for plane Parliament, others for a Committee, others for part of it in plane Parliament, part in a Committee. It was ſaid, the Barons were encroached upon by two noblemen, (the Earle of Galloway and Vifcount Stair,) coming into the Barons the time of election, therefore the trial to be in plane Parliament. Others urged, that it is fitt that Houſe be as quickly full as may

be, which will be quickliest done in plane Parliament. Some was for hearing the matter of fact from the parties elected ; others thought that Castlemilk [Castlestewart] was bashfull, and could not so freely speak ;—it was answered, he had been a member in Parliament 1685, and it is 15 years since. Some were for reading the instruments on both sides, taken on the said occasions. So the altercation having continued till candles were lighted, it was thought fitt to adjourn the Parliament till Thursday at 10 a clock, and the parties to be heard then either by themselves or their procurators. Prayers said.

## 2.—THURSDAY, OCT. 31.

Prayers said be Mr Blair. Rolls called. Lord Portmore's patent read, and he received. Minutes read.

The act of adjourning the Session, &c. till first Tuesday of December, read a second time, voted, and touched.

Then came on the question about Lord Basil Hamilton and Stewart of Castlestewart's election, in which Lord Basil gave a long account of the matter, and Castlestewart's advocates spoke for him, viz. Mr David Cunningham for him first, Mr David Forbes for Lord Basil, Mr Francis Grant for Castlestewart ; Mr David Forbes answered him, and then young Lanton. Then several instruments read upon both sides, Lord Basil complaining that the Earl of Galloway and Viscount of Stairs came in when the Barons were on the election, and so the election of Castlestewart was null, as being contrary to the Act of Parliament 1681. Castlestewart complained that the election of Lord Basil was null, as being when the Sheriff sate and presided when the Rolls were making up, without being chosen preses of the meeting, &c. A long debate was held about the incroachment made by the two peers on the Barons. It was alledged they came in after they were called by the Barons, though not by vote ; so the strugle continued to 8, 9 at night, the one side craving the question might be stated If the Sheriff's

behaviour was an incroachment ; the other If the Nobilitye's behaviour was an incroachment. When they could not agree what should be the vote, it was moved by the President, Which of the two should be first determined ; by the Laird of Grant, Whether the Nobilities' coming in was not an incroachment on the state of barons. Then the President moved that it might be voted, Whether the Sheriff's behaviour was an incroachment ; and upon stating the vote was spent two or three houres, till at length the Parliament was adjourned till Saturday at 10 a clock ; and prayers said.

### 3.—SATURDAY, NOV. 2.

Praiers said be Mr Blair. Rolls called. Minutes read. Proceeded to the affair of the election of Wigton.

Resolved unanimously, That the enquiry into the complained upon incroachment on the barons by the Lords, Sheriff, and others, is not to infer a censure on any, but in order to a law for the future for asserting and clearing the privileges of the elections, and for annulling the present elections.

Lord Basil Hamilton allowed to give an account of the matter of fact anent the Sheriff's fining Gordon of Grange for refusing to go out when the House was wish'd for the barons to proceed to the election, in respect he alledged he was a baron ; the Sheriff's presiding without a vote of the barons ; &c. After which there was a long reasoning ; and then the vote came to be stated, Whether the Parliament should proceed to the Sheriff's procedure, or the Lords' their coming in, under these words Lords or Sheriff. Carried by one vote Sheriffs. And it being late, the Parliament was adjourned till Tuesday 10 a clock. Prayers said be Mr Blair.

The Commiffioner invited all the members to dine with him on Monday, being the King's birth-day.

### 4.—TUESDAY, NOV. 5.

Praiers said. Rolls called. Minutes read.

A motion, about a paper formerly given in by my Lord Ros against my Lord Rollo, that it might be read. It was alledged, this without precedent; that where none who gave it in, craved it to be read, and which might contain in it injurious reflections, that such a paper should be read. My Lord Aberuchel gave some account of the contents of it, that it was a declaration of the Synod of Perth, concerning my Lord in absence, for his contumacy in not compearing when he was out of the kingdom. It was alledged, the Parliament should not be a sanctuary to fugitives from the discipline of the church. It was moved, the business should be waved. But after debate on both sides, the paper was allowed to be read, being an Act of the Synod of Perth, bearing, that where the Presbytery of had often times censured and dealt with the Lord Rollo, for having deserted his lady, and that there were strong presumptions he was guilty of adultery with , with whom he had conversed as man and wife, and that they had cited him to compear, and he had fled to England to avoid discipline; therefore, the Synod appointed intimation thereof to be made in all the parish churches of the Synod. This in November 1699. Now there being no complaint of this by any church judicatory, and there being ane address to be offered by the Commission of the Assembly, the Parliament did let this fall, till the said address came in.

Then came to appoint to-morrow fortnight for electing a member for the shire of Air, in stead of Rowalland deceased.

Then came to the controverted elections for Wigton or Galloway; and Lord Basil being allowed to give a further account of the matter of fact, which he did, the Commissioner and Estates of Parliament granted diligence upon 24 hours, to cite such witnesses as either party should think fit against the next sederunt of Parliament; and reserves to the Parliament, Whether they will take the depositions *coram*, or remitt the matter to a Committee.

Then proceeded to chuse the Committees for the several purposes, and in the several numbers as formerly.

## COMMITTEE FOR THE SECURITY OF THE KINGDOM.

*Nobility.*—Earls of Argyle, Marr, Lauderdale, Lothian, Loudoun, Leven, Annandale, Viscount Stair, Lord Carmichael.

*Barons.*—Robert Dundas of Arncliffe, Sir John Home of Blackader, Wm. Bennett of Grubbet, Sir Francis Scot of Thirlstane, Wm. Baillie of Lammington, Sir Th. Burnet of Lyes, The Laird of Grant, Sir William Anstruther of that ilk, James Brodie of that ilk.

*Burrows.*—Sir Archibald Muir, Mr John Murray, Sir James Smallot, Mr David Dalrymple, Sir John Hamilton of Halcraig, Wm. Menzies, Sir Hugh Dalrymple President of the Session, Sir Wm. Hamilton of Whitelaw, Sir Alexander Home.

## COMMITTEE FOR TRADE.

*Nobility.*—Earls of Buchan, Aboyne, Kintore, Viscount Tarbet, Lords Forbes, Jedburgh, Ruthven.

*Barons.*—Wm. Morison of Prestongrange, Jo. Hadden of Geneagles, Sir John Shaw of Greenock, Patrick Murray of Livingston, James Moir of Stoniewood, Mr James Carnegie of Phinhaven, James Scot younger of Logie.

*Burrows.*—James Fletcher, John Anderson for Glasgow, John Muir for Air, Mr Alexander Cunninghame, William Cultran, Mr William Johnston, Hugh Bruce.

## COMMITTEE FOR CONTROVERTED ELECTIONS.

*Nobility.*—Earls of Glencarn, Carnwath, Broadalbin, Viscount Tarbat, Lord Ballanden.

*Barons.*—William Hepburn of Beanston, Ja. Pringle of Torwoodlie, Jo. Crawford of Kilbirnie, George Brodie of Aflisk, Sir Jo. Arskine of Alva.

*Burrows.*—Sir Andrew Home, Mr James Campbell, Mr William Brodie, Mr Robert Forbes, Sir Archibald Sinclair.

## COMMITTEE FOR ANSWERING THE KING'S LETTER.

*Nobility*.—E. Argyle. *Barons*.—Laird of Grant. *Burrows*.—Sir Hugh Dalrymple.

## COMMITTEE FOR REVISING THE MINUTES.

*Nobility*.—Viscount Tarbat. *Barons*.—Sir John Lauder of Fountainhall. *Burrows*.—Mr David Dalrymple.

## 5.—FRYDAY, NOV. 8.

Praiers said. Rolls called. A commission to [Mr Charles Mitchell] for Orkney read. Objected against it, that it hath been blank, and filled up of a late date. The person's name and designation is as writer of Edinburgh, not as a baron; the place of meeting not the head burgh of the shire or stewarty, as the Act 1681 appoints; the clerk of the meeting not subscribing: so it is remitted to the Committee of Elections.

Minutes read. Brought in an Act for security of the Protestant religion and Presbyterian Church-government. But first read, A representation of the Commission of the General Assembly, and appointed to be printed. Then read the Act from the Committee; and another given in by Sir John Home, with an additional clause for the Assemblies to meet, sit, and adjourn themselves, whether the King's Commissioner be present or not. Both appointed to ly on the table.

Read, another Act from the Committee against Papists, &c.

Moved, The motion for Personal liberty be remitted to the Committee. E. Tillibardin moved, A draught of an Act formerly given in 1698 to that purpose, be read.

Moved by the L. Belhaven, That, after the affairs of the Church, the business of Caledonia be brought in. A long debate about that, whether it be not fitter that the other law concerning Trade, contained in the King's let-

ter, should not first be considered. In end, Sir J. H. moved, That the affair of Caledonia is a business of great import, and to be considered. The President moved a Resolve, that after the providing of laws for Trade, for Import and Export, &c., the important affairs of Africa, and Indian Company, and Caledonia, be taken into consideration. The Commissioner assured the Parliament, they should have it under their consideration. Moved by others, that a prefixed day be appointed for hearing thereof: So it came to a vote, which of the two last should be the Vote; carried the first be 31 votes. Then voted and carried, That after the business of the other branches of Trade, the Parliament will take to their consideration the important affairs of the Africa and India Company, and of Caledonia.

Several Overtures given in about buying, wearing, or using foreign woollen manufactures, [and] regulating the trade with France and Ireland.

The Parliament adjourned till Tuesday at 10 a clock. The Committees to meet at 9 a clock Munday. Prayers said.

#### 6.—TUESDAY, NOV. 12.

Prayers said. Rolls called. [Mr John] Gordon, Commissioner for Sutherland, in place of Sir Adam Gordon of Dalfollie deceased received a member.

Minutes read. The business of the election of Wigton resumed, the last Minutes thereanent read; and after some debate, and taking Castleteward's oath of calumny, If he had reason to alledge what was contained in his instrument concerning the Sheriff was true; which he did declare: the business was remitted to the Committee.

Read a second time, The Act ratifying the laws for establishing the Protestant religion and Presbyterian Church-government; also the additional clause given in by Sir John Home; and debated, the Act brought in by the Committee, being clear, might be voted; others were for letting it ly with the additional clause till the next meeting. At last aggried, That the Act

brought in be the Committee be voted, and it carried, *nemine contradicente*; and that a new Act to the purpose of the clause be read, and it was read, and allowed to ly on the table.

There had, at the beginning of this federunt, several petitions been read; one be the Laird of Innes, for citing the D. of Gordon, to lie on the table till next day; one for a glaß and white soap manufacture at Glasgow; another for making of beavors, luctors, and Carolinas, and for prohibiting the exportation of wool, &c. Remitted to the Committee for Trade.

Prayers said. The Parliament adjourned till Thursday at 10 a clock.

#### 7.—THURSDAY, NOV. 14.

Prayers said. Rolls called. Mr Roderick M'Kenzie, Commissioner, chosen for the shire of Cromartie, admitted; and one, who signed to the election as procurator for a baron, ordered to be delete out of the commission.

Minutes read. A petition from the Barons of Argyleshire read, which represents, that Sir Duncan Campbel of Auchenbrak, by reason of his infirmity, attested by the minister from soul and conscience, and by an apothecary upon soul and conscience, and upon his dimission upon the said narrative, and craving leave to elect a new Commissioner. Read also the said two declarations and his dimission; and it was declared by Sir Colin Campbel of Arkinglafs, and several other members, he had declared himself Roman Catholick; and some say he is mad. After some discourse, warrant was granted to the Barons to chuse a new Commissioner; and the day appointed is this day fortnight.

Moved, The petition by the Laird of Innes against the D. of Gordon may be granted, for orders to cite the Duke; which, after long altercation, was put to the vote and carried, Grant.

Several petitions remitted to the Committee for Trade; one for breaking, distinguishing, and ordering of wool; one for gilding; one for making of vine-eager or ale-eager; [and] one given in by the M. of Tweedale for prohibiting trade with France, till the trade be notified by the French,



Read a second time, the Act against Popery and Papists.

The Parliament adjourned till to-morrow at 1 a clock, and the Committees to meet at 9. Prayers said.

8.—FRYDAY, NOV. 15.

Prayers said. Rolls called. Minutes read. Petition for the Lord Crossrig for supplying his loss of his papers at the late fire, February 3 last, moved to be read, by Sir John Home. Read and remitted to the Committee for revising the Minutes, viz. Viscount Tarbate, Lord Fountainhall, and Mr David Dalrymple.

Moved, the Act given in by Sir John Home, anent the Assemblies of this Church, be read; which was read. Then it was spoken to, by Drummond of Megginch, that the same motion was made in anno 1690, when the Act then past for re-establishing the Church-government; that application was made to the general meeting of the Ministers, who were for passing the Act as it was brought in, without the clause now in the Act; that the Assemblies since that time, have never moved for any such lawes; that the present commission of Assembly does not conceive themselves empowered to ask any such thing; and therefore he moved, the same might be delayed for this time, especially seeing the intrinsic power of the Church is not called in question. Sir William Denholm of Westhals seconded what was said; and added, he was an old man, had seen Presbyterie in all its shapes: in 1649 it was at such a height, as was insupportable to every body; thereafter, it was quickly shattered and weakened, and at the Restoration it overturned; now it is restored and flourishes, and therefore he thinks it will be content with its present condition, and this Act should be delayed.

of Pardovan said, that all the Ministers in the commission asserted the intrinsic power of the Church to meet in their Assemblies, and he thought the Parliament should also assert it. My Lord Aberuchel gave an account of what past in the commission; that whatever was the private sentiments

of the Ministers, they did not find themselves commiffionate to address the Parliament for this or yet to assert it. Young Grubet urged the Act might be proceeded to. The Lord Tarbat acknowledged the Church had an intrinſick power *in ſacris*; but how far it may be extended &c. was not now the question; but, If it was fitt at this time to define it, or to confider it, when we had a King at perfect accord with the Church. E. Tillibardin ſaid, he thought this the moſt proper time; as alſo Lord Belhaven, that it was fitter to paſs in his time, who is a friend to our Church, then if an enemy to it ſhould ſucceed. Sir John Home urged, that ſeing, we know by experience, that the King was ſtraitened by England in the matter of our Trade, it were fitt to eaſe his Majeſty, by making a law to prevent his being impreſſed by the Church of England, which hath an Epifcopal government. After long and prettie debates, wherein likewiſe the Treafurer Depute, and Juſtice Clerk appeared for delaying, it was moved, Proceed to the conſideration of the draught offered, or Delay. It was alſo moved, That before that vote, the Act 5. Seſs. 3. Parl. 1. Char. II. might be read. This was oppoſed a long time, and much debate about it. In end reſolved, the Act ſhould be read immediately before the vote; and it was read, and the Act 1690 was read, wherein it was reſcinded, with ſome limitations. Then the queſtion put, Proceed, or Delay, carried by about 50 votes, Delay, where many were ſilent or refuſed to vote. Then moved how long this delay was to be, If to ſome day next week, or this Seſſion, or till next Seſſion of Parliament. It was answered, that all who had ſpoke for a Delay, ſpoke for it during this whole Seſſion. It was answered, this was indeed ſpoken of in reaſoning, but it was not in the Minutes. So ſome moved it might be to a fixed day of this Seſſion, or till the next Seſſion. Agreed on that vote, which was voted, To a fixed day, or during this Seſſion of Parliament. Carried, During this Seſſion of Parliament, be 68 votes.

The Act for Perſonal liberty brought in from the Committee, read. Moved and ordered it be printed for the Members of the Houſe. Moved,

The draught given in by the Earl of Tullibardin, and remitted to the Committee, be printed. Refused to be ordered to be printed, but allowed to be printed.

I forgot one thing moved, after the Minutes, by the Lord Treafurer Depute, That there was a paper published, called *A Memorial to the Members of Parliament of the Court party*, which addrefs was very unbecoming, and read a paffage, faying the King was Epifcopal in England, and that whether he were Prefbyterian here we would know when we fhould have the happinefs to fee him here; how great our fecurity for the Proteftant intereft is, is not known, feing the King is in league with the French King, or fome fuch words. Moved, the book might be cenfured, and the printer and author enquired into; which all the members agreed to. E. Marfhall moved, that Harris's book might alfo be printed [burnt.] Ordered the faid Memorial be, tomorrow at 12 a clock, burnt by the hand of the hangman, and the author and printer be enquired into; and for this end remitted to the Committee for Security, &c. As to the other book, all agreed it fhould be burnt; but becaufe it was not here, and it were undecent to give orders about it, till fome expreffions of it were read, delayed that till to-morrow.

Parliament adjourned till to-morrow at 10 a clock. Prayers faid.

#### 9.—SATURDAY, NOV. 16.

Prayers faid. Rolls called. Minutes read.

Moved, Harris's book againft the Enquiry, as blafphemous, fcandalous, and calumnious, might be condemned to be burnt by the hand of the hangman; and fome paffages thereof being read, and the Vindication thereof being alfo moved to be read; and the book called *Caledonia, or the Pedlar turned Merchant*, and fome paffages of it being read, ordered that on Monday next all the three be burnt at 12 a clock.

Proceeded to the reading over the Act brought in from the Committee againft Papifts. Read all over, and then many of its paragraphs read and

reasoned upon, but the rest delayed because late, and several amendments and votes on some of the paragraphs, &c. The Parliament adjourned till Munday at 10 a clock. Praiers said.

Further, put upon Walter Harris's chirurgéon his head 500 lb. Sterling to them who shall apprehend him, so as to bring him to a trial.

#### 10.—MUNDAY, NOV. 18.

Praiers said. Rolls called. Minutes of the last Sederunt read.

Proceeded to the rest of the Act against Popery. Moved by Lord Anstruther, That the Popish heir who loses his heritage should lose his titles of honour, in favours of the next Protestant heir. Some thought this might be contrary to the tenor of the Patent; some were for extinguishing the title wherein the heritage went to the heirs whatsoever, and the title to heirs male; many were for an additional [clause] of one tenor, others for another: At last, voted If it should be by Additional clause, or by a Separate act; and in end all went in to a Separate act. Much debate also about the Formula; some being only for putting in it (as Jerviswood) such things to be disclaimed as were inconsistent with humane societie; others said, there was scarce any one article devised which Papists would not get a dispensation for; but they would never get a dispensation from all the substantials of their religion. Then was added to the Formula, the Pope's dispensing power, and

While the Act was a transcribing, read for the 1st time, Act for personal Liberty. Several petitions.

The said Act against Papists brought in *in munda*, and all read over. Moved by the E. of Lauderdale, What should become of the Protestant heir serving, if the Popish heir should turn Protestant within 10 years? How should he be free from the passive title of serving heir? It was answered, he could not be free, but had his recourse on the estate for his relief. This was a material objection, but was left to bring in a law upon; and the Act being put to the vote, carried; none that I heard voting No but Broomhall, and they say Jerviswood; D. Hamilton was silent, for ought I heard.

The Parliament adjourned till Wednesday next, at 10 a clock. Prayers said.

11.—WEDNESDAY, NOV. 20.

Prayers said. Rolls called. Minutes read. There was a motion of not calling for candles but by orders of the House; and that none of the members be suffered to go out without leave. It was answered, that that were to adjourn the House or not, as it pleased, which belonged to the King and his Commissioner; and as to the other part, it was ordered already by the orders of the House.

Proceeded to the reading of the draught brought in from the Committee for Personal Liberty, and all once read together. Then read the first section, which took up a long time, about inserting that Informers should give their oath of calumny; carried Not. Then about their subscribing their Informations, voted, carried They should.

The Parliament adjourned till tomorrow at 10 a clock. Prayers said.

12.—THURSDAY, NOV. 21.

Prayers said. Rolls called. Minutes read. Petition for Th. Robison read; remitted to the Committee of Elections, &c.

Proceeded to the Act for Liberty. The particular cause to be contained in the warrant, I think was ordered yesternight. This day proceeded further, the length of Providing allways that in case of imprisonment for treason, &c.: There were several amendments made. Many spoke and appeared for the Act in great heights, as E. of Annandale, Sir Jo. Arskine, Sir Al. Bruce, &c. Great debate was about inserting the word Instantly, or Within 24 hours; carried Instantly [Within 24 hours.]

Parliament adjourned till tomorrow at 10 a clock. Prayers said.

13.—FRIDAY, NOV. 22.

Prayers said. Rolls called. Minutes read. Petition for young Pitmed-

den, prisoner in the Tolbuith of Edinburgh by order of the Committee of Security, for being author of the paper printed and burnt by the hand of the hangman, called *A Memorial for the Members of the Parliament of the Court Party*, in which he acknowledges his offense, and craves pardon, and promises more circumspection in time to come, read; and after some discourse by Secretary Seafield, who offered the Petition, and some others, Resolved, He should be brought before the Parliament, and there on his knees confess his fault, and so be dismissed from prison; which was accordingly done. Some overtures given in.

Then proceeded on the Act for Liberty, and settled all till the Penaltie of wrongous imprisonment, which was moved to be doubled, and the transgressour declared incapable of publick trust without consent of King and Parliament. This, after long debate, was moved to be adjourned; and the Parliament was adjourned till tomorrow at 10 a clock; the Committee at 8. Praiers said.

#### 14.—SATURDAY, NOV. 23.

Praiers said. Rolls called. Minutes read. After some petitions, &c. read, proceeded to the Penalties of wrongous imprisonment. As to the Committer and Detainer, it seemed to be agreed to, upon a motion of my Lord Anstruther, backed and written by the President, that the Detainer should be liable to incapacity, besides the pecunial pain; and some moved, that he should not be remitted but by the King in Parliament. There were long discourses about the Committer; and when the question came to be stated, If the Committer should be declared incapable; others moved, That a distinction should be made between the inferiour officers of the law and the higher: so it came to the vote Which of these should be the vote, and it was put in these words, Cognosce or Distinguish; carried, Cognosce, which was the first of the two, be 44 votes. Then it was craved, what was the meaning of that voted, be Sir J. Arsk. It was answered, now they must,

according to the last vote, proceed to the question, and they who understood it would vote I or No : they who understood it not would vote *Non liquet*. So the question being put, If the Committer should be liable to the pain of incapacity, besides the pecuniary mulct, carried No be 53 votes.

Then proceeded to consider What the pecuniary pain should be. Moved, it should be 12 times what was brought in from the Committee, which was 1000 pounds Scots. Some would have, whatever was agreed to, that it should keep a proportion with others ; some to have 500 pounds Sterling for every wrongous imprisonment, to the meanest ; some for 500 pounds Sterling for a nobleman, and so less proportionally ; for a landed gentleman, 4000 pounds Scots ; other gentlemen 4000 merks ; every other person 2000 merks ; but this, moved to be adjourned till it be better thought on and compared with the Act in England.

The Commissioner adjourned the Parliament till Tuesday 10 a clock. The Committees to meet on Munday at 9 a clock.

This day the Commissioner touched the Acts for settling the Protestant Religion, and Presbyterian Church government, and the Act against Popery.

#### 15.—TUESDAY, NOV. 26.

Prayers said. Rolls called. Minutes read. Severall overtures and petitions being read, proceeded to the Act for Personal Liberty. Moved, to add a clause in the exceptions as to inferiour magistrates and judges their committing of persons for indignities done to them, or disobedience to the discipline of the church ; for tumults, cursing, swearing, Sabbath breaking, drinking, uncleannesse, &c. ; that they may commit such as formerly, referring their relief, or insisting for trial as above. Some opposed this in its order, as being a going off the point of wrongous imprisonment ; but this being overruled, others desired to know What was meant by Tumult ; and moved, to extend only to such as were taken in the tumult. So the clause was aggrieved to.

Then moved, another clause be added, And in case of imminent or actual invasion, rebellion, or insurrection, it be lawfull to the Privy Council, or any five of them, to imprison, they being allowed to apply for their liberation as in the Act. This was said, at first, to be the bomb broken; yet in end was agreed to, after long debate, that this was for the Security of the government.

Then came to the penaltie on the Committer. It was alledged, it was agreed to last night, that it should be 6000 pounds for a nobleman, &c. This was positively denied by the Chancellour and others, as well it might, as appears by what is noted in the last day's notes. However, agreed now it should be so; and as to the Detainer, that he should pay 100 pounds per diem to a nobleman, 100 merks for a baron, &c.

The prescription is made of 3 years. Added a clause, That all confinement, except of consent, or upon sentence, be unlawfull; [and] that close imprisonment do not exceed the space of 8 dayes.

Moved, That no member of Parliament be imprisoned in time of Parliament, but by order of Parliament. While this was a debating, the Commissioner caused adjourn the Parliament till tomorrow at 10 a clock; and D. Hamilton took notice of it as an adjournment the time of a Debate.

#### 16.—WEDNESDAY, NOV. 27.

Prayers said. Rolls called. Minutes read. Several petitions read, particularly for my niece Ann Cokeburn, for making up of her writs, burnt in my lodging, Feb. 3. last. Some Overtures remitted.

A clause added to the Act for Personal Liberty, anent Imprisonment of members of Parliament, by the Earl of Tillibardine; another by my Lord Advocate, differing only in this, That members of Parliament attending the Parliament be attached when there is manifest danger of breaking the peace. Put to the vote, Whether the First or Second should be added, carried the Second, viz. the Advocate's clause, by 25 votes, as I reckoned.



Then proceeded to reading over the Act *in mundo*, and it was desired, That feing a motion anent warrants upon informations not subscribed was reserved, that what was in the first clause in the section might also be put in the statutory part ; so it was added, after Ordains and Statutes, that all informations be in write. Upon this a clause was added, as in the Act. Then proceeded till they came to the exception for the government, of Imminent and actual invasion, rebellion, or insurrection ; and it was moved, by D. H. and M. of T., That Actual should be prefixed to rebellion and insurrection ; but overruled. Some other motions made. Then the whole Act being amended as was agreed, the vote put, Approve or Not ; carried Approve, I think, by all ; but some added certain things or exceptions, in their vote.

The Parliament adjourned till Friday at 10 a clock. The Committees to meet tomorrow at 9 a clock. Prayers said.

Act for adjourning the Session till the first January read for the first time.

#### 17.—FRIDAY, NOV. 29.

Prayers said. Rolls called. Commissions from the Barons of Airshire, one to Mr John Campbel, brother to the E. of Louden, the other to [John Brislain younger] of Bishopton ; remitted to the Committee of Elections.

Minutes read. Overture given in by the E. of Cassils, That because of our King's not residing amongst us, and the great expenses many of this Kingdom are at in going to Court, that a certain small number be chosen by His Majesty to reside at Court for 5 or 6 years, to represent to His Majesty the state of the kingdom and advise him, &c.

An overture given in by D. Hamilton, That the offering of good deed or office, or threatening Members of Parliament for votes, should be finable ; and tinsal of office and incapacity, and probable by the parties oath before Council, Session, Justice Court, &c., and competent to any to pursue.

The Commissioner had a speech, showing, that the Funds for subsisting the Army being expired with this month, it was necessary either to take

the affair of the Army to consideration now, or else to resolve to subsist it for some small time, till the Parliament should go throw their other affairs; and if they did chuse the former, he promised, in the King, his master's name, that they should have leave to sitt untill they went throw their other affairs. The Chancellour backed this speech: both of them were in write. There was much discourse on this head. It was said, This was contrary to a resolve of Parliament, which ought to be sacred and inviolable. It was answered, if the Parliament did chuse the last Member of the Commissioner's alternative, it was an incident that would not admitt of delay, and was presided by the Overture for adjourning the Session a second time, and by dayly motions given in and spoken to, or remitted to Committees. It was said, the first question was, If the Parliament thought fitt to continue the Army, for it could not be continued without their consent. This the Lord Advocate denied; Whitelaw affirmed, and wax very hot on. The Advocate's motion was thought unseasonable by severals on the Throne. The keeping up of an Army in time of peace, was said to have been a cause of forfeiting the Throne to the late King James; and to be insert in the Grievances. The Advocate bade read on that article as to King James, and said the Grievance was not yet redressed by Parliament.

Moved, That seing the question was agitated about the Parliament's right, it might now be decided. After long debate, severall Overtures read for a vote, at length agreed to one given in by my Lord Belhaven, That seing the present establishment can not be continued longer than this month, without consent of Parliament, therefore the Parliament Resolves to continue and subsist them till the first of January, till they come in order to consider the whole business of the Army; which, being put to the vote, was carried.

The Act for adjourning the Session to the first of January read a second tim and put to the vote; carried.

The Parliament adjourned till Munday at 10 a clock; and the Committees to meet at 9 tomorrow. Prayers said.

## 18.—MUNDAY, DEC. 2.

Prayers said. Rolls called. Minutes read. Petition for the E. of Argyle for a citation of the Duke of Gordon, in order to the reducing the Marquiss of Argyle's forfaulture upon strong reasons, read; and after some debate, if it should be seen and answered, the question came at length to this, Warrant to cite, or Ly on the table: Carried be about 70, Warrant to cite.

Then read a second time, the draught of an Act from the Committee about Discharging the importation of manufacture of wool, and wherein there is wool; but delayed till an Act before the Committee, discharging the exportation of wool, be brought in. Moved the reading the Act against Bouchers, being grafers; but let fall at this time as being against the Refolve of Parliament.

Read the draught of an Act from the Committee, for the second time, rescinding the Act 27. S. 1663, anent the King's prerogative as to forraign trade; and after some debate, If it should bear, but prejudge, or reserving the customs according to the book of rates, and imposed an. 1695: Carried Approve, with the last form.

The Parliament adjourned till Thursday at 10 a clock. The Committees to meet on Wednesday at 9 a clock. Prayers said. Rose 4—5.

## 19.—THURSDAY, DEC. 5.

Prayers said. Rolls called. Minutes read. A motion anent bringing in from the Committee of Elections, the controverted election of Wigtonshire; and after reading the minutes of reference, and some debate, Resolved that affair be reported the first Sederunt next week.

Read over the draught of the Act against Immorality and Profaneness. Young Grubbet had a harangue, showing the necessity and advantage to a Nation by curbing of vice, and how much the state of Rome flourished

thereby ; but said, the House had lately past an Act for Liberty, and by the Act now brought in, they were to be enslaved to the clergy, therefore moved, This matter might be committed to the Justices of the Peace. My Lord Tarbat said, no body should be more for a law for suppressing of profanity than he ; but for this Act, it made sovereign judges in every parish, created by the church ; and in end, he gave in a paper which he called an Overture, but begins with reasons against passing the Act. The Earl of Annandale and Sir Al. Bruce professed a great deal of zeal, as much as any of the House, for suppressing immoralities ; but this Act took away men's properties. The Earl of Tullibardine made a proposal which I did not hear, but which occasioned much of these discourses. I observed a tameness in many to press the Act ; so it was remitted to the Committee with an Overture, given in by the Earl of Tullibardine, for punishing such as are judges of immoralities who neglect their duty with Incapacity, and that none but of sober behaviour be entrusted with publick trust ; and for encouraging Societies for reformation of manners ; remitted also.

Came to the Act forbidding exportation of wool, and skin, and wool, which was read for a first time.

Then read over the Act forbidding the importation of Woolen Manufacture for a second time ; and in reading of its first Section, anent prohibiting importation, under the pain of burning as was conceived in the draught, the debate was whether Burn or Export. And much time being spent thereon, in end delayed till next Sederunt ; and the Commissioner ordered the Chancellour to adjourn the Parliament till tomorrow at 10 a clock, and the Committees to meet at 9. Prayers said.

## 20.—FRIDAY, DEC. 6.

Praiers said. Rolls called. Minutes read. Petition for Two pennies on the Pint for repairing the harbour of Burroustounness. Petition Coll. Jo. Arefkin, and My Lady Kincardin's answers. Granted warrant to cite

her to insist in her last protestation for remedy of law ; and as to her first, upon which she has raised summonds, deferred it, in respect since he gave in his petition, she gave out her process to fee.

Proceeded in the Act prohibiting Manufacture of Woolen. Voted it should be Burnt. Agreed, That where the sealer can not discover the owner of the goods imported, the Collector of the Customs, upon his making faith thereof, shall pay him 100 lb., to be allowed in the Collector's accounts ; and this to endure till the next Session of Parliament, and no longer. Voted, That the skipper importer shall be liable in 2000lb., and the ship to be confiscate ; one half to the discoverer, the other half to his Majesty. The Parliament adjourned till Munday at 10 a clock. Praiers said after 8 a clock.

#### 21.—MUNDAY, DEC. 9.

Praiers said. Rolls called. Minutes read. The report of the Committee of Elections read concerning the controverted elections of Wigtonshire. After long debate, and reading the Act of Parliament 1681, the Parliament voted and found, That the proceedings of the Sheriff in presiding at the making up the rolls, did annul both elections, having had influence on all that followed.

Then moved, That the Parliament would proceed to the consideration of the encroachments on the Barons by the Lords and others coming in to them when they were upon the election. Upon this there was long debate. The Duke of Hamilton moved, That the Earl of Galloway and Viscount Stairs coming in was an encroachment on the Baron's freedom of election. The President of the Session moved the vote should be, Declairs the Lords and others proceeding on the election was not consistent with the freedom of election. Sir Thomas Burnet moved, That the Lords or others coming in was an encroachment, &c. Moved by the Earl of Mar, That seeing we were barred from further consideration of that affair, by the Resolve, November 2, that the question should be, Whether to break the Re-

olve, or adhere to it. The Viscount Stair began to justify their coming in, from the Act of Parliament 1681, where it is allowed, that persons might come in when called. Lord Whitelaw said, he thought there could be but three reasons for insisting on the vote, either for punishment or censure, which was out of doors by the Resolve; or for annulling Castlestewart's election, which was already done by the former vote; or for asserting the Baron's privilege, which he thought might be better done by a law: he would have been for laying aside the debate and vote; but seeing the coming in of the Lords was justified, he conceived that matter deserved a vote, seeing he did not think the Act of Parliament 1681, by allowing others to come in, could be otherwise understood, than if they were called in by a vote of the Barons, which was not pretended in this case. This the Treasurer Depute seconded. So the question came to what should be the vote. Long altercation there was about this; the Duke of Hamilton still insisting his motion, being seconded, might be put to the vote. Sir Thomas Burnet withdrew his motion, seeing it was not acquiesced unto. So at length the question was moved, Whether the motion made by the Duke of Hamilton, or by the President, should be the vote. The President added to his motion, The proceeding of the Sheriff, and of the Lords and others, &c., was inconsistent, &c. The Barons sent word to the throne, That unless the word Incroachment were put in the President's motion, they would go all in to the Duke of Hamilton's motion; so that being insert in the President's motion, all went in to it, and the Duke of Hamilton withdrew his motion, and the other was voted, That the proceedings of the Sheriff, and of the Lords and others in the election at Wigton, was an incroachment on the freedom of election; and was carried almost unanimously. The Parliament adjourned till Wednesday at 10 a clock. Praiers said.

22.—WEDNESDAY, DEC. 11.

Praiers said. Rolls called. Minutes read. A question moved by the

Committee of Elections anent the electors of the shire of Air, arising from the Minutes of the meeting that bear, That such who had not qualified themselves for electors did qualify themselves; but others who declared they had qualified themselves formerly, were not required then to qualify themselves. The querie was, What the opinion of the Parliament was as to this, seing by Act 1690, all electors are required to qualify themselves at their meetings for elections; and by Act 1693, in the end of the Act, those who have qualified themselves formerly, are not bound to qualify themselves in the same capacity. It was alledged by many, that the elector was not the capacity meant in the Act, but a permanent capacity. It was further alledged, that in all new commiffions of Council or Exchequer, the old members of new named qualify themselves; and if this Parliament were dissolved, all members to a new Parliament would be obliged to qualify themselves: and it is the foundation and security of our Government. It was said on the other side, that the Act [16]93 was exprefs, without distinction, That those who were formerly qualified should not be obliged to qualify themselves in the same capacity; That it was not objected at the election that they were not qualified, and by Act [16]81, no objection was to be received that was not then moved; That the design of Act [16]93 was to prevent the multiplying of oaths, whereby men's consciences were widened; That though the objection were sustained, it could not annul the election, but only their votes, who were not then qualified, was to be compted as not given; [and] that many of [the] members already received, might be ejected as having null elections, it being very common upon the faith of the Act [16]93, to many shires and burrows, to elect without qualifying, when they had formerly qualified as electors. So, after some answers to these reasons, the question was put, Sustain the objection, so as to cast the electors not then qualified, or Not: Carried Not be about 13 votes.

Tuesday come fortnight appointed for a new election for the shire of Wigton.

An Act offered be Sir Jo. Home, for regulating the elections of Barons, and their freedom therein. Promised to be read as a Motion, after going throw the Act against importation of Woollen Manufacture; wherein, proceeded to the end, and some amendments made. The King not excepted, though moved; and some moved, To except coaches imported with lining of woollen; but this motion rejected. The Act all read over, some thing added at the beginning as to seamen, 6 months' imprisonment, and their escheat towards the relief of the masters of ships, &c. The Parliament adjourned till Friday at 10 a clock; the Committees to meet tomorrow at 9 a clock. Praiers said.

A motion made by Duke Hamilton at the beginning of the Sederunt, If the council on Tuesday last had ordered a Proclamation against Harris. He was told it was forgotten. He told, he heard he was promoted by the Admiralty of England, and asked If the Secretaries had acquainted the King with the Vote of this House concerning him. It was told, that was not known if he was promoted. But a letter was written to the King, and both Secretaries signed it, and sent it with that dayes Minutes.

23.—FRIDAY, DEC. 13.

Praiers said. Rolls called. Minutes read. Proceeded to read the Act prohibiting Woollen Manufacture, now written over *in mundo*; a clause added, and voted and approved. Duke Hamilton moved reading a Petition of G. Lockhart's, and other merchants in Glasgow; which was read, and exploded, and withdrawn.

Proceeded to read the Act for a 2d time, prohibiting the exportation of wool, and skins with wool; and having begun the reading it over again, they debated all day upon it, Whether the prohibition should be Temporary or Perpetual: Carried in end Temporary. Then voted, Whether it should endure till the end of next Session, or for Five years, and till the end of next Session of Parliament thereafter: Carried for Five years. The Parliament



adjourned till Munday at 10 a clock. Committees appointed to meet tomorrow at 9 a clock. Praiers said.

24.—MUNDAY, DEC. 16.

Praiers said. Rolls called. Minutes read. The Parliament resolved they would appoint a day for hearing the Protestation for remeid of law, Mr Al. Heggins, c. John Calendar.

Proceeded in the Act prohibiting the exportation of wool. Moved by the Earl of Lauderdale, That the first clause might again be read, which was done ; then he said, he hoped the Parliament had voted nothing concerning exportation of skins with the wool on them. Others, as the Earl of Anandale, Viscount of Stairs, seconded this ; but others said they supposed the Parliament included the skins with the wool on them, in their vote. So after many had declared the same, it was agreed, they should discourse as if it had not been voted ; and it was represented, that to discharge the exportation of skins with wool on them, was to destroy the store-rooms, and much was said on this side. It was said by others, that, Allow their export was to destroy the manufactures, and to leave us naked ; and after long debate it was put to the vote, Prohibite the exportation of skins with the wool on them, or Not : Carried Not. Then read on in the Act till it came to the prohibition of English wool, and many debates arose about the conveniency and inconveniency thereof ; and at length moved to adjourn the debate, and the Parliament was adjourned till Wednesday at 10 a clock. Praiers said. Committees appointed to meet tomorrow at 9 a clock.

25.—WEDNESDAY, DEC. 18.

Praiers said. Rolls called. Minutes read. Proceeded to the consideration of the prohibiting the importation of English wool, upon which there was a long debate. It was represented, that that would be the giving away the best jewel we had, to compliment the English for nothing, which they

would give much for. On the other hand, it was said, if English wool were suffered to be imported, it would turn our own wool into a drug, and tho it might be hoped that in time, we may be able to manufacture all our own wool, and also English wool, yet it is uncertain if we can do it at present. Therefore, it was moved, To prohibite the importation of it for a time. So the question came in end to Prohibite the importation of English wool till the 1 January, 1702, or To the next Session of Parliament: Carried to January 1, 1702. Again discoursed about the exportation of English wool, whether it should be till next Session of Parliament, or till January 1, 1702. But the further consideration of this question delayed till next Sederunt.

Read a draught of an Act from the Committee for Trade, concerning trade with France, and another prohibiting trade with France conditionally. The Parliament adjourned till Friday 10 a clock. Prayers said.

26.—FRIDAY, DEC. 20.

Praiers said. Rolls called. Minutes read. In the midst whereof, the D. of Hamilton moved, A good colourable reason should be added for prohibiting the importation of English wool. E. Annandale answered, he thought none, he who he will, should speak against a Vote of this House, and we needed not to be ashamed of any things being published that was a Vote of this House. Whereupon the D. of H. said, then he moved, That the minutes of last Session of Parliament not yet published might be printed. It was said by the President, he was resolved to speake to the purpose, but not to that purpose. The D. of H. interrupted him, and said, if he was not to speake to that purpose he should not be suffered to speak. So a kind of hubbub arose, till the Commissioner interposed, and desired they would remember they were where the King was represented, and keep to the orders of the House; that every member be allowed to speake without interruption. So the President, after some struggle, was allowed to speak, and he said, that what he had to say was not of that weight as to deserve such opposition,

but he thought that the Parliament should keep to the matter in hand ; last Sederunt they broke off on a clause anent the importation and exportation of English wool ; he would not say the Parliament might [not] take to consideration another purpose, but he thought it congruous to conclude that Act, and then it might be free to them to consider any other matter. So resolved, That after that Act were ended, they should proceed to the consideration of the minutes of last Session. So proceeded to the question about discharging the exportation of English wool, how long it should endure, Whether till 1 January, 1702, or till the next Session of Parliament, or during the five years as is voted as to all wool. There was much time spent ; in end they came to the stating the vote, which came in end to this, Whether a shorter time as to English and Irish wools, then the time allowed for other wool ; and the vote being put, carried, A shorter time. Then the question was offered to be stated To allow the exportation thereof after 1 January, 1702, or after the next Session of Parliament, or Not. Others stated it thus, Prohibite the exportation of it till 1 January 1702, or Till the next Session of Parliament inclusive ; which was carried to be the vote ; and carried Till the next Session of Parliament. Then the whole Act read over, and voted and approved.

The unprinted Minutes of last Session of Parliament ordered to be printed. Read over the Act brought in from the Committee, Anent trade with France ; and other three draughts read.

Read an overture from the D. of H. anent encouraging the planting of tobacco. An Act anent the measure of cloath, given in by Stoniewood, and another anent linnen cloath, given in by Mr. Dav. Dalrymple ; remitted to the Committee for Trade. An Overture by My Lord Anstruther, against swearing of brewers, read. The Parliament adjourned till Munday at 10 a clock. The Committees to meet tomorrow at 9 a clock. Prayers said.

## 27.—MUNDAY, DEC. 23.

Prayers said. Rolls called. Minutes read. A great many petitions and motions for private Acts read; one from Sir Will. [Craigy] of Gernsey read, representing, That he had been a tacksmen of the customs before the Revolution, and had the jurisdiction of Orkney for making the tack effectual; and that after the Revolution, the jurisdiction was conferred by the King, not knowing that the Petitioners tack continued on Lopness, wherethrough he sustained great prejudice and damage; and having applied to the late Commissioners of Thesaurry, for restoring the jurisdiction or abatement of the tack duty, they did not think themselves warranted to either; and having applied to the present Lords of Thesaurry, they were unwilling to make any alteration; and being under a charge of horning and caption, he had offered a bill of suspension to the Exchequer, but nothing was written thereupon by the clerks; so he craved the Parliament would take his case to consideration. It was alledged by some who backed the petition, that he had been refused justice. It was alledged on the other side, That either he gave in a complaint of some of the Lords of Thesaurry, in which case he behoved to condescend, or a bill of suspension, which was irregular; for he should have offered and prosecuted that before the Exchequer, being a Sovereign Court by Act of Parliament; and that all causes in the first instance, should be tabled before the Judge Ordinary. After some debates on this purpose, Resolved, the Petition should ly upon the table for a week or so, till the Exchequer gave their judgment; and if he conceived himself prejudged, he might then move the consideration of his Petition; and the Commissioners assured the Parliament he would call the Exchequer for that effect, to which Sir William Craggy acquiesced. The Parliament adjourned till tomorrow at 10 a clock; and the Committees to meet at 9. Prayers said.

Act in favours of Sir Patrick Oglevie of Boyn and his son about Marble in

his ground, exeeming it from duty when exported, and the ship exports it from tonnage, effeiring to the marble exported, for 19 years, voted and approven.

28.—TUESDAY, DEC. 24.

This day we were in the Justice Court from 9 till 2—3. Met an hour thereafter, and continued till 1 after midnight. I am told the Parliament is adjourned till Thursday at 10 a clock.

29.—THURSDAY, DEC. 26.

Praiers said. Rolls called. Minutes Read. When I came in, they were debating, Whether to proceed on the Act about the Trade with France, or the Election of a Commiffioner for the shire of Air. Agreed in end, That immediatly after that Act, the Parliament would receive the report about that controverted Election.

Then proceeded, and read one Act about Total prohibition of Wine. It seems another being read laft day about the Partial prohibition. There was a long debate and reasoning on the Total prohibition; that it might mar our fale of falmond ther. Others said, they would incline to a partial prohibition, but they saw not how it could be practicable. It was proposed, That no more should be imported than 500 tun; that in the month of July, yearly application be made to the Exchequer for licences, and none be allowed to import without licences; that account be given of the export; and that licence be not allowed for more import of wine than the export of our commodities, with abatement of a 3d part for other goods. In end, the House seemed to agree to a Totall prohibition; but it being moved to be put to a vote, Total or Partial prohibition. It was alledged, that all that could be voted was, Whether the overture for a Total or Partial prohibition should be chosen to be confidered, and marked to have a 1st reading, feing no vote should be past on an Act till a 2d reading; that it may ly on the table to be confidered by the Members conform to Act 1696. After

some debate, it was agreed, That the overture containing a Total prohibition be first considered by the Parliament, and be marked for the first reading.

30.—FRIDAY, DEC. 27.

Praiers said. Rolls called. Minutes read. Proceeded in the Act against Importation of French Wine. Read the first clause. Moved the vote might be put, Whether a Total or Partial prohibition. Moved by others, The Parliament should agree on the day after which the prohibition should begin, on which there was long debate which should be first voted. In end, it was put to the vote, Whether the Total prohibition should be after the first of May or first of October next: Carried after the first of October. Then proceeded to the clause, If all red wine imported from St Jean de Luze, St Sebastians, and Bilboa, should be reckoned as French wine. It was alledged and agreed, that St Jean de Luze was [not] in France, and so was ordered to be dashed out; as also Bilboa was at a great distance from France, and no hazard of bringing wine from France thither, to come thence to Scotland, and so left out. All the question was as to St Sebastians, which is from France as Burntisland from Leith; and it was said by Sir Ro<sup>d</sup>. Stewart, when he was at Burdeaux, that after the prohibition of French wine in England, he caused make cask after the Spanish way, and sent envoices as from St Sebastians, with wine from Bourdeaux to England. So after long debate, voted, If St Sebastians should be let stand, so as to prohibit red wine from thence: Carried Not be 14 votes. Then after some debate, agreed The Brandie be prohibit to be imported after May 1. Then came to the condition, and after long debate about stating, agreed The prohibition last till the imposition in France on our herrings, &c. be on an equal foot with other nations; that we obtain the same liberties and immunities as to our goods and ships as any other nation enjoys in that kingdom; [and] this not to exclude by a treaty the demanding whatever further privileges may be obtained. Then proceeded to the time when the vend-

ing and retailing of wine should commence, and agreed It should be 1 February, 1702. Still remains to be considered, How the preventing of importing French wine by St Sebastians, may [be] secured. The Parliament adjourned till tomorrow at 10 a clock. The Committee for Trade to meet at 9 a clock. Prayers said.

31.—SATURDAY, DEC. 28.

Prayers said. Rolls called. Minutes read. Proceeded on the Act against importation of French wine. Read it all over. Moved, A clause be added for the preventing importation by St Sebastians; some moved, A price be put on it; others It be tried by taste. The Advocate moved [a] clause, That the merchant importer, the skipper, and seamen, give their oath before unloading the ship, that to their knowledge the wine is not French wine, nor any part of it, nor any mixture of French wine. All the House approved of the Advocate's motion, but many said it was not sufficient. Sir Ro<sup>t</sup>. Stewart moved, That no red wine should be sold in taverns. Again, for the greater security, that the price should be set, and carried it should be 14s. per pint of red wine from St Sebastians. Moved, this should extend to all wine imported from the Bay of Biscay, and carried all wine imported from Corona or the Groyne, exclusive to the coast of France, be sold at the said price. All this for fear French wine be sent to those parts to be vended as Spanish wine.

Act for adjourning the Session of new read, and ordered to be marked for a first reading. Act given in as a motion by the E. of Mar read, for taking away of the summer Session; ordered to ly on the table. The Parliament adjourned till Munday at 10 a clock. The Committees to meet at 9. Prayers said.

32.—MONDAY, DEC. 30.

Prayers said. Rolls called. Minutes read. The Commissioner put the Parliament in mind the first of January was approaching, and though the

election of the shire of Air falls next in course to be considered, yet they behaved to proceed to the consideration of the Army, or to make a new Resolve as formerly, to subsist them for some time longer, till the business of export and import were over, and the affair of Caledonia. The D. of Hamilton thought the motion was very reasonable, and all went in to it; and in end it was agreed, That in the very words of the last Resolve, the forces on the present establishment be maintained till the 1st of Feb. 1701, which was voted and agreed to. Secretary Seafield whispered to some about him, that it should be for a shorter time, lest the King should think they had given a handle to delay business.

The Act for adjourning the Session till a blank day, read; the day voted, 28 of January, or 1 February next: Carried, 28 of January. Then voted the Act, and carried Approve.

Came to the Election of the Commissioner for the shire of Air. Received a part of the report, being objections against 3 of the electors; the first, that he could not vote, being denuded in favours of another, who was in possession; and it was alledged, the E. of Loudon was infest and in possession. It was said he was still in possession of the superiority, the person to whom he had disposed being only infest, holding base, and though there was a Procuratory of Resignation, yet Resignation was not made; and so he might resign in favours of another, who being first infest, would at least carry the superiority. It was also alledged, that that objection was not *in terminis* at the Election, and so could not now be received. It was answered, it was the same objection proposed at the Election, but further illustrated now. So, after long and very learned discourses by several lawyers, it was put to the vote, Sustain the objection or Not: Carried Not. Then they came to the objections against the other two electors; that they were denuded also. This, after some debate, and put to the vote, carried, Reject the objection.

There was a motion to read the Act concerning the importation of silk, being drawn up; but it being alledged it was before the Committee, and



not finished, it was laid aside, and the Act for adjourning the Session being touched by the Commissioner, the Parliament was adjourned till Thursday at 10 a clock. Prayers said. The Committees to meet tomorrow at 9 a clock.

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1701.

33.—THURSDAY, JAN. 2.

Prayers said. Rolls called. Minutes read. Moved, reading some Acts from the Committee. D. H. moved, reading the bill be G. Lockhart, &c. against the Magistrates. After a struggle, that private business should give way to public; and on the other, that the faith of the Parliament was engaged that business of Glasgow should come in the first Sederunt of January: Agreed. That after the Acts were read, that affair should come in. Read, a draught of an Act from the Committee of Security against profaneness and immorality. Enquired, why there was no mention of the clause given in by the E. of Tullibardine, seeing it was remitted to the Committee. It was told the Committee voted the Act to be transmitted as it stood, it was alledged they were not to act as the Lords of the Articles; so, after some reasoning, marked a 2d reading. Then read, Draught of an Act from the Committee of Trade, anent discharging the importation of silks. It was enquired and alledged, there was an Act concerning that voted in anno 1698. It was answered, That only a clause of it, being an amendment, was voted, and the minutes then were called for, and read in August 1698; so the Act itself was ordered to be brought in, and then was marked a First Reading on the draught brought in. Proceeded to the business of Glasgow, the petition read, and after some discourse, Lord Whitelaw moved, It be remitted to the Session for to be discussed summarily. Came to the election of Wigton. The objection against Mr. John Campbel, brother to the E. of Loudon, designed of Shankton, read, with the instrument, That

feing he had not produced his infeftment, Kilburnie protested, That if he was not a Baron holding a 40s. land of the King, he should not be allowed to vote or be elected. It was alledged the Objection was irrelevant, being not positive, but hypothetically, designedly so made to elude the Act of Parliament 81. About the fine, on the other hand, it was alledged, This method might bring in every body to be elected a Baron to Parliament; so there came to be a debate about the state of the vote, Whether relevant or not, viz the Objection, or Approve of the report of the Committee or not which did find the Objection not relevant; others moved, Approve the report, or Remitt again, and this agreed to; and the vote being put, Approve or Not; carried, Approve the report of the Committee. My Lord Anstruther dropt a rash expression, That this Parliament had indeed hogged the privileges of the Barons, occasioned by an expression of the Chancellor's, when they were debating about producing Mr. Campbell's charter and lease, That that would hog the privileges of Barons, if none be received a member for that estate, but he who produced his charter and lease to the Parliament. Then they objected he was not infeft. Answered, that was not true; and not relevant, for it should have been proposed at the election. Objected, he was under backbond to denude, which they offered to prove by his oath. This sustained, he gave his oath, deponed negatively, and was admitted a Member.

The Parliament adjourned till tomorrow at 10 a clock. The Committees to meet at 9. Prayers said.

#### 34.—FRIDAY, JAN. 3.

Prayers said. Rolls called. Minutes read. A petition from Dowhill, in relation to the deliverance yesternight, remitting the Petition of George Lockhart, &c. Merchants of Glasgow to the Lords of Session, to be discussed by them summarily as they find just, and representing there was a marginal note in Lockhart's Petition, craving the Parliament might rectify the

abuse complained, according to a sett given in ; and therefore Dowhill craved that clause might be expunged. The petition craved to be read ; some debated strongly that there might be no alteration in the Vote of Parliament ; others craved the Lords might judge according to law, and not according to any sett alleged to be given in, but never read ; others said, that was included in the words of the remitt already ; others thought it was so, but since it was doubted, it should be cleared by a vote, or by an agreement, what was the meaning of the Parliament. In end, after about 2 houres debate on this trifle, it was agreed to be added in the Minutes to these words, As they find just, according to law.

Came to the Act about Profaneness, which being all read over, and again the ratifying part, article by article, the Lord Tarbet desired to hear the Act 1696 ratified, read ; which being read, he approved that law, but said it was not rightly narrated in the Act to be voted. Then after some debate on that, agreed to dash out the narrative of the Act, and agreed to be ratified in the heal heads, clauses, and articles thereof. Then afterwards the debate was renewed by the Lord Tarbate, That there was still something unclear in the Act ratified, whether the judge, where the ordinary magistrate did not live, was to be offered to him for a deputation by the heritors and kirk-session of the parish, after he was negligent to depute one himself, or in the first instance. He was told by the Treasurer-depute it was in the first instance. Then Tarbate said, he gave in a clause to explain it, which being read, bore, That that nomination should be after the Judge Ordinary were negligent. It was said, that motion was to rescind, and not to explain the Act 1696. Tarbate was seconded by the E. of Annandale, who alledged, this was a power put in the church's hand to bring all the nation on their top. Broomhall also had his share in the opposition ; also, Secretary Seafeld said, that he did think it dangerous. However, in end it was let fall. The E. of Cassilis also was an opposer, and voted against the Act. Then given in a clause be the E. of Tullibardin, bearing, That a person excommunicated,

and the same represented to the Council, if he be in public employment, he should be suspended by the Council from any publick employment till his Majesty were acquainted, and his mind be known. Another be the E. of Argyle, enumerating a great many immoralities, and being excommunicate, to be deprived and declared incapable, till he give evidence of his sincere repentance, and obtain a testimonial thereof from the church. Then the question arose, Add a clause to the Act as brought in or Not : Carried, Not. Then the Act was again read, bearing a new clause, as will appear by the Act anent an excommunicated person, voted, and approved by 60 odd votes, but many were out, and some silent. Voted against it, E. of Cassils, Broomhall, Lord Ballenden, and some others.

Petition Thomas Henderson, for citing upon a protestation for remedy of law. Mr. Gregorie's petition read and remitted to the Committee for revising of Minutes.

I must remember, the Chancellour was much for stating the question, in the Act about Immoralities, Explain or Not ; but had few to second it.

The Parliament adjourned till tomorrow at 10 a clock. The Committees at 9. Prayers said.

### 35.—SATURDAY, JAN. 4.

Prayers said. Rolls called. Minutes read. Moved by young Grubbet, after a long introduction, That the Parliament would take to consideration the condition of those noblemen and gentlemen who at the Revolution ventured their lives in the service, and levied men on their own expenses, to serve King and country, before the year 1693, who had been formerly remitted to a Committee, that has made progress therein, and that the Parliament would grant a new commission ; and whereas the Pole, 1693, was set at L.4000 Sterling, and afterwards abated to L.3000 Sterling, that these tacksmen may not be suffered to obtain L.6000 Sterling as they crave, &c. ; when it was resolved, That the Parliament would take this affair to confi-

deration when they came to consider private business. It was moved by Sir John Home, That the Parliament would appoint a Committee to enquire into all the funds given for paying the arrears to the army, whether disbanded or standing; seconded by the D. of Hamilton and others, and a written motion given in by the E. of Tullibardin, in way of resolve, That next Sederunt the Parliament will chuse a Committee for that end. Moved, That the consideration of this be delayed till next Sederunt, unless the Parliament go over the Resolve, and take the whole business of the army under their consideration. In end, after a considerable jangle, resolved, Next Sederunt, the Parliament will take the motion given in to consideration. Then came to the act prohibiting the importation of silks, &c.; and an amendment was put on the clause about the Company trading to Africa and the Indies, excepting from the prohibition silks laden in Persia or the Indies in ships belonging to or employed by the Company. Then read on in it till the exception of wearing cloaths bought and used abroad by the subjects residing there, which are allowed to be imported; and coaches with linings of silks, &c., and callashes, and chairs excepted wholly. Then came to the exception allowing the importation of plain ribbons, and the question was put, Except or Not; and carried Not, by a few votes. The Act being ready to be voted, it was moved it be written over *in mundo*, and voted *in mundo*, which the clerk was ordered to do. The Committees appointed to meet on Munday at 9 a clock, and the Parliament adjourned till Tuesday at 10 a clock. Prayers said.

### 36.—TUESDAY, JAN. 7.

Prayers said. Rolls called. Minutes read. After some little private things, proceeded to vote the Act discharging the importation of silks, &c., being now written *in mundo*. Moved by Sir Ro<sup>t</sup>. Stewart, That albeit members were not to speak against any thing voted in the said Act, yet they might speak to the consistency of the Act, and he alledged by the ex-

ceptions in the Act, it was rendered elufory ; and he mentioned two or three back doors, that would enervate the Act, and some alledge leave should only be allowed to the African Company to import filks, &c. for export, and not for fale, in the kingdom. After fome appearance this way, be the E. of Anandale, Lord Boyle, and fome others, it was lettin fall. Then the vote was called, Approve of the Act or Not : Carried Approve be about 50 votes.

Then came to the adjourned debate about the arrears due to, the [Army], and there was a motion thereanent given in by the E. of Tullibardine. Then another by the Viscount Seafield, comprehending Tullibardine's vote, and further adding, To remitt the bufinefs of the security of the Nation and whatfoever will be neceffary thereto to a Committee, to be reported after the bufinefs of Caledonia is over. D. Hamilton gave in a third motion, much to the purpofe of Tullibardine's, as I took it. It was alledged, that to take Seafield's motion to confideration was to break the Refolve, which was, firft confider the bufinefs of Caledonia, and this were to violat the faith of the Parliament. It was answered, the motion was not contrary to the Refolve, for the remitting was only in order to the preparing, and there were many instances that the Refolve was broken if this was breaking it. So, after a long times talking feveral houres, moved a vote might be ftated, Remitt to a Committee or Not. Moved by others the vote might be, Proceed or Delay. After a long debate about thefe two ftates, moyed it might be put to the vote, Which of thefe two fhould be the vote. Several moved the debate might be let fall, or adjourned. Moved by D. Hamilton, Whether this remitting to a Committee was a breach of the Refolve, having been formerly moved by my Lord Whitelaw. Then the Houfe went into great confufion, and every body almoft fpoke, and many fpoke frequently, and the Commiffioner fpoke feveral times ; and the Chancellour having bid the Clerk call the rolls, after two had given their votes, the vote was interrupted, and the debate renewed about the ftate of the vote. Then a new ftate of the vote was moved, Whether the remitting the bufinefs of the Arrears and ftate of

the Kingdom and Army's being remitted to a Committee was a breach of the Resolve. Some moved, That the debate might be let fall. At length agreed, after a very long and hot debate, That the affair of Caledonia be taken in next Sederunt, and after that the business of the Army; and the Commissioner assured the Parliament they should have a competent time thereafter for Publick Laws and other business; but even this did not go without a great struggle.

Then read an Act about importation of butter and cheese from Ireland. The Parliament adjourned till Thursday at 10 a clock. Saturday next appointed by the Commissioner for private affairs, and the Committees to meet tomorrow at 9 a clock. Prayers said.

As to the Debate mentioned, it was alledged, that to remitt to a Committee was to give a part of the Parliament a power which they had resolved not to give to the whole Parliament.

37.—THURSDAY, JAN. 9.

Prayers said. Rolls called. Minutes read. Proposed by Sir J. Shaw, the petition from the African Company be read. Moved, The Act read last night for a first time be read. Those of the Throne desired the Minutes concerning Caledonia be read over again, bearing it should come in next Sederunt. It was urged, as not inconsistent with that Resolve, and most agreeable to a former Resolve, to proceed to the reading the Act discharging the importation of butter and cheese from Ireland be read. After some debate, the E. of Tullibarden moved, They might proceed to the business of Caledonia as of greatest importance. So moved, The Company's Petition be read, which was read; and a Petition to which it relates read in May, was read. Then Petitions from many in the town of Glasgow, shires of Inverness, Renfrew, Midlothian, Air, Banff, Orkney, Fife, Elgin, and Forreths, Dumbarton, Burghs of Dyfart, Perth, Crail, Anstruther Easter.

After reading of all the Petitions, the Committees were appointed to meet tomorrow at 9 a clock, and the Parliament at 10 a clock. Prayers said. Came out this night about 4 a clock.

38.—FRIDAY, JAN. 10.

Praiers said. Rolls called. Minutes read. Proceeded to the affair of Caledonia. The Lord Belhaven began and had a long discourse, prettie enough and pathetic; and then he offered a Resolve to the House, That the Address of the Peers and Commons in England in December, 1695, concerning our Company, and Act of Parliament settling it, and the Address of the House of Peers in February last, were an undue intermeddling in our affairs, and an incroachment upon the dominion, and soveraignty, and independency of the King and kingdom of Scotland; wherein the whole House being unanimous; (after a motion That the whole affair of Caledonia might be first discoursed, but a vote being urged) carried, The said Resolve should be made without a contrary vote.

Next Gleneagles gave in a second Resolve, That [the] Memorial given in at Hamburgh, 7 April 169[7], by Sir Paul Ricaut and Mr Cresset, was also an incroachment on the soveraignty and independency of Scotland, and injurious to the Company. This also carried without a contrary vote.

Then the Marquiss of Twedal gave in a third, which being rectified by the Advocate, thus, That the Proclamations in America in April, May, and June, and September, 169[9], were injurious and prejudicial to our colony in Darien, and the execution thereof inhumane and barbarous, and the great occasion of deserting the colony. This also carried unanimously, after a prior vote to add the words Proclamations and Execution, which was carried Not; and both these votes, after reading the several Proclamations, as the first vote was after reading the two Addressses, and the second vote after reading the Hamburgh Memorial.

Further, a Resolve given in by Sir Francis Scot, That the advices given to



the King to give the answer to the Address of both Houses, if it was by Englishmen, was undue, (or words to that purpose,) and if by Scotsmen, they ought to be punished as betrayers of their country. There was several reasoned against this, that though such Resolves be in use in the House of Commons, yet the judicative faculty is not in that House, as in the Parliament of Scotland, but in the House of Peers; and the Commons might give what names they pleased to crimes, being accusers. Again, either this was a sentence or law; if a sentence, none should be condemned unheard; if a law, it could not look *ad præterita*. And further, this were to prejudicate Judges, that the relevancy were determined, which often may arise from circumstances of fact, from which pannels were precluded. This being generally exploded, Sir Francis, the ingiver, was desired to withdraw it; especially seeing no persons were condescended upon, and it were to cast a slur on the nation; and the Secretaries having both spoke and vindicated themselves, it was answered, Ricaut (now dead) and Cresset were condescended upon, and Secretary Vernon, and the Governours Beeston and others were condescended upon, against whom the King might be addressed to remove from his service. But this being alledged a meddling in English affairs, contrary to the first Resolve, and might be a dangerous preparative to the English to address the King for removing officers in Scotland; Sir Francis Scot was prevailed with to withdraw his Resolve, being moved by some to put the question, Reject or Not.

Lastly, the D. of Hamilton gave in a Resolve, That the Scots settlement of a colony in Darien, on the Continent of America, was exactly conform to the Act of Parliament in favours of the Company trading to Africa and the Indies, and their patent under the Great Seal, and that the Parliament will support the said Company to prosecute their said settlement, or in words to this purpose. The Duke said, he hoped this Resolve would not abide any debate within these walls, being so cleared by the President of the Session and his Majesty's Advocate, beyond what has been, and believed could be

answered ; and he hoped they would be still of the same mind. The President declared he was still of the same mind, and so did the Advocate ; both said, they were but subservient to the Secretaries. Carmichael said, he did very heartily what he could, though he had not the abilities of these learned Lawyers. Seafield said, he nor Carmichael would not pretend to that skill of these learned Lawyers, but they both acted heartily in concurrence with them ; and the most part of the materials of what is contained in their paper was laid before the King before they came up. Some moved, That the consideration of this last Resolve might be adjourned. And the Chancellour told the House, it was now late, the matter was of import, and it was moved by some to be adjourned ; and that my Lord Commissioner adjourned the Parliament till tomorrow at 10 a clock. Prayers said.

39.—SATURDAY, JAN. 11.

Praiers said. Rolls called. Minutes read. This day appointed for private affairs, there was a great competition. E. of Argyle moved his cause against the Duke of Gordon might be called : Others, that some others might be called that required only a warrant to cite ; which [was] granted to E. of Annandale against Lag, for insisting in his protestation for remeid of law ; [and] Lieutenant-Collonel Arskine, c. the Countess of Kincardine. Others moved for the bringing in of Powrie's cause, c. Gray of Creichie ; but lett fall. The E. of Argyle's cause again moved : the E. of Aboyne moved his business might be delayed ; but in end agreed it should be called. The D. of Gordon, and E. of Aboyne, and the E. of Argyle, went to the end of the table ; the Duke gave in a Declinator against many members, as being related, or being creditors pursuers. Parties being removed, they first considered If it was fitt to remove parties ; and it being alledged, that it was never the custom since the Revolution in civil causes to remove parties, resolved, They should not be removed again, and found the Declinator as given in too general, unless the degree of proximity were condescended upon. Then the par-

ties called in, and a more special condescendance being given in by the Duke, it was read, and every one examined, most upon oath, some on their word of honour; many rejected, some freed by oath, &c. This continued till 8 a clock. The Parliament being adjourned till Munday at 10 a clock; the Committees till 9. Prayers said.

#### 40.—MUNDAY, JAN. 13.

Prayers said. Rolls called. Minutes read. Proceeded to the business of Caledonia. The D. of Hamilton moved, The Resolve given [in] by him of Friday night be now taken to consideration. A Resolve given in by the Chancellour, That the colony of the Company trading to Africa, &c. in Caledonia, in Darien, in America, was a legal and rightful settlement, conform to the Act of Parliament, and that the Company acted legally in prosecution thereof; and the Parliament Resolves to address his Majesty thereupon, and upon the other three Resolves already voted. It was alledged against this Resolve, that it was complex; some might be for one part of it, and not for another, and so could not tell how to vote:—this by the Lord White-law. So in end the first part of the Resolve, bearing this addition, That the colony was and is a rightfull settlement holding of the Crown of Scotland; and being put to the vote, was carried unanimously.

Then moved be the President, To proceed to the other part of the Chancellour's Resolve, about the addressing the King. It was alledged, that could not be proceeded to, for it was a distinct Resolve voted, and not the first part of that given in by the Chancellour. And Jerviswood gave in a 5th Resolve, That the incroachments of the Spaiyards on our colony, in seizing the ship [Dolphin] that had sprung a leake, and gone in to Carthagen, seizing and making prisoners of, and barbarously using Captain Pinkerton and his crew, the spoiling our goods, [and] dispossessing our colony was against the law of nations, and that reparation ought to be made thereof. And in passing this Resolve, it was said, that the Parliament was now considering the grievances

of the company, and the wounds and diseases ought to be known before they could give a remedie. This was long insisted on, and a state of a vote drawn and read; which having taken up a long time in debate, at length D. Hamilton gave in his state of the vote, Whether they should first proceed to the consideration of the other votes, or what remedie to put to the four Resolves already voted, in these words, Resolves or Grievances: Carried Resolves be 25 votes. So the Parliament is next to consider, If all, or which of these four Resolves should be put in an address to the King. The Parliament adjourned till tomorrow at 10 a clock. The Committees to meet at 9. Prayers said.

#### 41.—TUESDAY, JAN. 14.

Praiers said. Rolls called. Minutes read. Proceeded to the business of Caledonia. E. Marshall gave in an Act for asserting and supporting it, which was read over twice. Then D. Hamilton, for enforcing an Act, gave in a paper which he desired to be read. It was alledged, to read another paper was to go off the vote yesternight. The Duke said, Not, but to enforce the Act given in. So the paper was given in to Mr. John M'Kenzie, Clerk, who began to read it,—being entituled, Wee Captain [Robert] Pinkerton, and [James Graham] being enquired at, by the Directors of the Africa and Indian Company, What the crime was they were accused of at Sevil in Spain. 2. What the proofs were led against them. 3. Whether they were liberate upon account of their right by Act of Parliament and patent, or by the King's Letter. Here the Clerk was stopt by the Advocate, and said he ought not to read any more. The D. Hamilton had been discouraging when he gave it in, and desired it might be read as a part of his discourse: So, much was said on both sides for reading and not reading it. It was said, that the E. of Sutherland was allowed to have his speech read, that the Commissioner and Chancellour read their speeches, [and] that some gott overtures read as a part of their speech. It was answered, if any

Member had any thing to say, it was no matter whether he read or spoke it; but it was unusual to give in a paper to a Clerk to be read, without consent of the House. After some debate the paper was given back to the Duke, and he allowed, after several interruptions, to speak, and he gave some account of the paper; and after a long jangle the paper was read by allowance, giving account and answer to the foresaid questions, and one more at least. The paper was much disrelished, as being disrespectful to the King, and desired and ordered to ly on the table. Then returned to the question, Whether Act or Address upon yesternight's vote; where there was very prettie discourses on both sides for a long time. It was alledged for an Act, that nothing less could secure those concerned in the Company, seeing the Spaniard had mentioned the reparation of damages from the D. of Hamilton, Marquess of Twedale, and E. of Panmure, and others, concerned in the Company. It was said, if any came to a lawyer to advise him, what should be the security against such a demand, If a Resolve of Parliament, he would answer, No; If an Address to the King, he would say, No; seeing the Company had sustained so great losses, and were not seeking relief by money, but only an Act of Parliament for their security: Whatever security might be sought by some by an Address, would we be so little concerned for the Company as not to gratify them in that which they demanded as the greatest security, and which none could doubt was as good as an Address? It was answered, what would an Act of Parliament signify in the Spanish dominions; there was an Act already, and the Parliament's Resolve did sufficiently explain it, and an Address without an Act would be better then an Act without the Royal Assent, which we had reason to fear would not be obtained in the circumstances the King is in at present. There was indeed much debate and speaking on this matter, and one happened the other day, for saying That an Act here was but a Decree of the Baron Court; which was taken notice of this day by D. Ham.; and the Vis. of Stairs, who used the expression, repeated it this day, for which

he was attacked ; and it was desired, he might go to the bar ; others desired he might be allowed to explain himself ; and he said, That none sat in Parliament but Barons, and the representation here was feudal. He was excused, but desired not to use such an expression again. So returned to state the question, Act or Address. D. Ham. gave in a written Dissent from Address ; and the E. of Crawford said some thing the D. had said, which I did not hear, was an equivocation. The D. desired the censure of the House. Crawford said he had said it, and he owned it. The D. and many others desired he might go to the bar ; others desired he might explain himself. He said, What was acted this day was incroachments on the Throne. Then the cry rose again, and the Thesaurer-Depute, began to explain his meaning, that he meant no personal reflection, but what was moved seemed to him to straiten the King, to which the E. of Crawford assented. So this was let fall. Then the D. of Hamilton and others desired, that when he gave his vote to an Act it might be marked. L. of Grant instanced, that in An. 1681, at voting the Test, he desired his vote against it might be marked, which was done ; and so this was yielded to by some, but muttered by others, That none who voted, Act, should be marked, but those who desired it. The vote was put, Act or Address : Carried by 24, Address ; but many who voted, Act, did not expressly require their vote might be marked : many did desire it.

The Parliament adjourned after 8 a clock till tomorrow at 10 a clock, and the Committees to meet at 9. Prayers said.

42.—WEDNESDAY, JAN. 15.

Prayers said by Mr. G. Meldrum. Rolls called. Minutes read. D. Ham. took notice the Minutes did not bear the names of those who desired to have their vote marked, nor the reasons of the Dissent given in by him, and moved, These may be expressed in the Minutes. Seafield said at first, that the names and reasons should be recorded, he thought it reasonable, but not

reasonable to be insert in the Minutes, as not being preceded. There were Minutes read, in [16]93, where John Anderfon's name was marked; also in an old Act in K[ing] J[ames] 6. time, concerning the Barons, the Laird of Tullibardine was marked taking instruments upon that Law, and my Lord Crawford taking instruments to the contrary. To this it was answered, that John Anderfon's name was insert to preserve the right of the town of Glasgow; and that Tullibardine was mentioned taking instruments on the Law, and Lord Crawford protesting to the contrary of the instrument. It was further said, it was fitt to insert these in the Minutes that the world, that had their eyes now on this Parliament, might know what they were doing, and that they might answer to their constituents. It was alledged, that the Parliament was to answer to none but to God Almighty for what they did there; they were not to be judged by the populace for what they did, for they gave rules to them, and it were of bad use, and to no good purpose, to insert names in the Minutes; and, as to the Reasons of Dissent, they should neither be insert in the Minutes nor Records; though it was yielded, the Names and Dissent should be insert of all that came and desired it. For as to Reasons, to insert these, were to let posterity see Reasons against what was done, and none for it. At length, after a long debate, the Chancellour stated the vote, Insert the Names and Reasons of the dissent in the Minutes, or Not. Sir Jo. Arskine gave in another state, and was seconded by D. Hamilton, that the vote should be, Whether the dissent given by Duke Hamilton, and the Reasons thereof adhered to be 83 more, should be insert in the Minutes; and craved a vote Which of these should be the vote. It was alledged, Sir John Arskine's motion could not be a Member of the vote; for if that were a Member of the vote, it behoved to be insert in the Minutes, contrary to the design of the debate, and the vote stated thereupon by the Chancellour, without condescending on either names or number. It was alledged, that any Member of the House might state a vote; and if he were seconded, he might demand the opinion of the House thereupon,

which could not be otherwise known but by the vote. Upon this, there was for several hours discourses, till they were all, as it were, out of breath, and a silence for some time. Then the Chancellour had a discourse, that they all knew he had carried, with all respect to the Members of every estate, and did not strictly put the orders of the House in execution; that so long as he had the honour to be Chancellour and President there, it belonged to him to state the question after debate, not to preclude other motions of a question; but that, if his stating of the question pleased the House, he might cause call the rolls; and if he did not please, he might put the question, Whether that should be the state of the question or Not. This raised a new flame, and the House raised a cry; and after they were calmed, my Lord Whitelaw stood up, and said, For the other question, he had been long silent, and did not concern himself a twopence how it went; but for the point acclaimed by the Chancellour as his privilege, he said, he had a great respect to the Chancellour, in the character he bore, and because of old friendship, but he behoved to say, that was more than ever any Chancellour pretended unto: No President of any Court could pretend to such a privilege; he might, indeed, after a state of a vote, but so might any other; but the Court was to judge which of the two to chuse: but for the Chancellour to pretend to put the question, Approve of his state of the vote or Not, were indeed an incroachment on the freedom of Parliament unprecedented. It was said be the Advocate, when the Chancellour stated one question, and another was stated and backed by others, then good reason the question should be, Which of the two should be the question; but when should the Parliament come to an end, if there be three or four questions stated. So this was let fall. After motions to adjourn the debate, in end the Parliament was adjourned till tomorrow at 10 a clock; the Committees to meet at 9. Praiers again said be Mr. Meldrum.

The Lord Belhaven having offered to speake, the Chancellour interrupted him, and told him, he behoved to keep the rules of the House, and he



had spoken oftener than twice. He said he was to speake to some new point. The Chancellour refused to allow him ; whereupon he took such dudgeon, that, after the Chancellour was prevailed with to hear him, he did not speake, though several times desired by members.

43.—THURSDAY, JAN. 16.

Praiers said be Mr. Meldrum. Rolls called. Minutes read ; and moved The former dayes Minutes might be read for re-assuming the debate. The Commissioner had a short speech, shewing he was sorry for the disagreement yesterday, which he thought was unparliamentary, and wish[ed] there might be no more such proceedings, whereby it might [be] in the power of a tenth part, or smaller, of the House, to obstruct the proceedings of the whole Parliament. He was pleased to give in a motion for cementing differences in the Minutes ; and after some debate, agreed to the amendment, That the vote was carried for Address by 108, and the Act had 84. Before calling the Rolls, several of the Members moved, That when they voted, Act, they might be understood to crave their names might be marked, as adhering to the Dissent, and agreed it might be so marked, and their names to be insert in the records ; tho it was debate, [all] that voted, Act, would not be for having their names marked as dissenters.

This affair being over, Came to consider the first Resolve about the Addresses of the Parliament of England, and of the House of Peers, and what should be done with that. Lord Whitelaw said, it could neither be made an Act nor an Address. Seafeld went in with him, yet some thought it might be in an Address, as the said English addresses were. Whitelaw said, it might be mentioned in an Address narrative, That whereas this Kingdom is an absolute and independent kingdom, &c., but not by way of representation, in order to a redress. So, after some discourse, it was moved To forbear concluding any thing on this first Resolve till they came to know what the Parliament inclined to, as to the other two Resolves, concerning the

Hamburgh Memorial and the West India Proclamations. So without much speaking to these, the House seemed to agree they were fitt matter for an Address; but the Marquiss of Twedale gave in a Draught of an Act for preventing such abuses for the future; which, after a struggle, was given to the Clerk, and read, and ordered to lie on the table, bearing, That the Royal Burrows, at their annual meetings, chuse a person, either of this nation or on any place where they have trade, to be presented to His Majestie for a Commission to officiat and appear for them as a Consul, &c. Then proceeded in the business, and it was moved, That the Resolve voted to be put in an Address on Tuesday might be in a separate Address, because those who dissented from it could not vote for an Address on the other Resolves, if that were in it. It was said, that they might vote for the other Resolves, if not for that. So, after some debate, the vote was put, Separate Address for the three first Resolves, or Not: Carried, Not, by about 34 votes. The Parliament adjourned till tomorrow at 10 a clock. The Committees to meet at 9. Praiers said be Mr. Meldrum.

44.—FRIDAY, JAN. 17.

Praiers said be Mr. Meldrum. Rolls called. Minutes read. The Advocate produced and read in his place a Draught of an Address, declaring the Parliament's sense of the deliverance wrought to this land in their religion, laws, and properties, by his Majestie, and narrating the Africa Company's Petition to the Parliament, and the unanimous Resolves of Parliament on 4 points, and craving His Majestie may take order to prevent abuses by his residents abroad and others upon this Kingdom, particularly as to the pressing of our men for their sea work, &c. There was nothing spoken by those who dissented yesterday; and the vote being called, there was, as I reckoned, about 53 desired their Dissent to be marked. A motion, by way of Act, in favours of the Company prorogating their temporary privileges and immunities for the space of 9 years, to ly on the table.

Report of the Committee for revising the Minutes in relation to their opinion as to the Petition given in by Sir David Home of Croffrig for making up of his papers, That an Act of Parliament should be made in the tenor of a draught, given in, read, and marked A first reading. Petition given in by Mr James Daes of Coldingknows, read, and appointed to be seen and answered by the Officers of State. The Parliament adjourned till tomorrow at 12 a clock. Prayers said by Mr. Meldrum.

45.—SATURDAY, JAN. 18.

Prayers said. Rolls called. Minutes read. After some debate about the preference of private business, the E. of Argyle was allowed two hours on his Process against the Duke of Gordon. It was alleged by the E. of Aboyne, he had not seen the Process, and had craved it from the E. of Argyle's agent, Ronald Campbell, and his advocate, Mr. G. Alexander; whereupon he took instruments, which he craved to be read, and was read. Answered, when this Process was first called against the Duke of Gordon and E. of Aboyne, Sir David Thoirs compeared for both; the Process was given to him to see, and he returned it indefinitely. Then they proposed a Declarator against the Lord Forrester as a creditor of the Marquis of Argyle's. He declared, there was a debt due to my Lord Bramford; but that that debt did not belong to him, but to his two cousin Germans Ruthvens, yet alive: So that with the former were repelled. Then declined the E. of Cassils, as uncle to the Laird of Innes, one of the pursuers; which being acknowledged, was sustained. Then proceeded to dilators: No process, because of the Act 135. p. 8. K. J. 6. There was several answers to this by the lawyers, and by the members; that it appeared to be only in relation to forfeitures in absence; that the contrary is allowed by the Act Rescissory 1690; that it was repelled in Swinton's case against the E. of Lauderdale; that K. James's indemnity in September 1688, not excepting the forfeiture of the Marq. of Argyle, was equivalent to a remission; that the late E. of Argyle

was rehabilitate; therefore it was an old and obsolete Act. Then it was alledged, that all parties having interest are not called, viz. the Register. It was answered, the officers of State out of the kingdom use not to be called, but he had a Depute who was called. A diligence was craved to cite the Representative of Sir Arch<sup>d</sup>. Primrose of Carington, then Lord Register. The defenders being required to propone their other delators, they shifted; and the two houres being past, the parties were allowed to give in their Informations, to be advised this day 8 dayes.

Then called, The E. of Annandale c. the Laird of Lag, upon a citation to infist in his protestation for remeid of law. Sir Dav. Thoires compeared and proponed for Lag, that he was out of the kingdom the time of citation, and craved only till this day 8 dayes to infist; but he being asked, If he proponed that alledgeance by way of dilator; he said, Not, but by way of excuse or effoinzie for Lag's absence. So the question was put Decern or Not: carried Decern.

Then called, Lieutenant Coll. Erskin, c. the Countess of Kincairden, on a citation to infist in her protestation for remeid of law. Her Advocates shifted, in end debated, and they were appointed to give in their Informations betwixt and this day 8 dayes. The Parliament adjourned till Monday at 10 a clock. The Committees to meet precisely at 9.

#### 46.—MONDAY, JAN. 20.

Praiers said. Rolls called. Minutes read. Proposed by the Chancellor, That now the Parliament would take to their consideration the Security of the kingdom. By D. Hamilton, That the Resolve about Caledonia and the Company be read, which was read; and, That the Parliament would consider the Resolve given in be Jerviswood might be read and considered. It was answered, that Resolve had been already read, and been considered and represented in the Address be the Parliament to the King. It was said, that that Address was moved and carried to be made on the four first

Resolves ; and this was a grievance given in indeed before the Addrefs, but not confidered, being debarred with the vote Resolves or Grievances. It was faid to this, that notwithstanding thereof, it was fully confidered in the Addrefs, and what could be done more. It was answered, It deserved a vote for being a Refolve as well as any of the other unanimous Resolves ; and though no more were done on it, it might ftand as a Refolve in the Records. So it was moved by the Prefident of the Seffion, the queftion might be ftated, Whether the matter of the Refolve given in was not fufficiently confidered by the Addrefs or Not. It was moved by others, the queftion fhould be, Approve of the Refolve or Not. So the queftion was moved which of thefe fhould be the queftion, Firft or Second : carried Firft be 18 votes. Then the Firft being put to the vote, carried, Sufficiently confidered. Then Sir Francis Scot gave in his former Refolve reformed, That Mr. Creflet, in his Memorial given in to the Senate of Hamburgh, and Mr. Vernon, Secretary of England, in giving orders for the Weft Indian Proclamations, was an undue midling in the affairs of this kingdom, and they ought to be declared incendiaries, as endeavouring to put an ill underftanding betwixt the two kingdoms. Againft this it was alledged, That fuch a Refolve as this is unnecessary, as being materially in the Addrefs to His Majeftie ; that it may be interpreted an undue midling in the affairs of England, and might prove of dangerous confequence to lead to the Englifh addreffing againft our Scots minifters, where they might be alike to be heard, feing the King refides there. It was answered, Seing it was thought neceffary to represent the midling of both Houfes of Parliament, fhould we fcruple at representing thefe men by name, and they are not named in the Addrefs, at leaft not Vernon, there behoved to be fomething under ; That, as for England's addreffing fo, they may juftly do it, if our minifters midle fo in their affairs ; and what is the prejudice, and did they not more when they ordered the apprehending the Lord Belhaven and Thefaurer-Depute, as to this affair ; and they addreffed againft the Duke of Lauderdale, principal Secre-

tary of State for Scotland, and the Parliament of Scotland did address against the E. of Strafford and Archbishop Laud. It was said to these, That in our Resolve we do not accuse the Parliament of England, as this Resolve does these two men, but only lay before the King their undue meddling; and it was below the Parliament to take notice of two little men, and care should be taken we fall not in the same undue meddling with English affairs, that they have done with ours: And as to the ordering to apprehend Belhaven and the Thesaurer-Depute, that was for alledged meddling in England; the address against the D. of Lauderdale was for his meddling in English affairs, and he was an English peer, as E. of Guildford; and the Parliament of Scotland's Address concerning the E. of Strafford and Archbishop Laud, was, when the Parliament had casten off the King. No, it was said to be in anno 1641, when the King was here. So, after long debates, and some betwixt votes casting in the proceeding to the consideration of the Security of the kingdom, and not to spend all the time only on the affair of Caledonia, not neither that it should be neglected, but brought in in due time, the vote came to be stated, Proceed to the consideration of the last Resolve, or Not. Others stated the vote, Approve the Resolve, or Not. So the question came again, which of these should be the vote, First or Last: carried First by about 17 votes. Then voted, Proceed to the consideration of the said Resolve, or Not: carried Not. Then the Chancellour proposed to proceed now or next Sederunt to the consideration of the Security of the kingdom; there was a cry, Not till all the affair and losses of the Company were considered. So S[ecretary] Seafield moved The adjourning of the debate till next Sederunt.

The Act for prorogating the temporary privileges of the Company for 9 years, and ratifying the 8. Act P. 1695, in all the privileges and immunities, having a narrative of its misfortunes and interruptions, being read a 2d time, was voted and approved almost without a contrary vote, except the E. of Annandale and Broadalbain; and many, indeed, after the example

of several statesmen, were silent. The Parliament adjourned till the morrow at 10 a clock. The Committees at 9. Praiers said be Mr. Meldrum.

47.—TUESDAY, JAN. 21.

Praiers said. Rolls called. Minutes read. The Duke of Hamilton offered to speak, but the Chancellour proposed, That now they might proceed to the Security of the kingdom, and gave in a Resolve to be read and entered into be the House, which was, That in regard of the great and wonderful deliverance God had wrought for us by the King, and the great benefits we enjoy under his reign, that they will support His Majestie's person and government with all our power, and will maintain such forces as should be found necessary. Moved, The busines of Caledonia should be finished ; and, after some discourse, a paper given in by the Marquis of Twedale, and read, That for helping to make up the losses of the Caledonia Company, the Bishops' rents not disposed of to pious uses, be given to the Company, with the post office, and tunnage for 21 years ; which was ordered to ly on the table. Another Resolve given in by the E. of Tullibardine, about those who betrayed Caledonia, and those who acquit themselves faithfully, particularly Captain Campbel of Fonnab, Captain Drummond, Pinkarton and his crew, to be rewarded ; this also to ly on the table. Then came to the Chancellour's Resolve : all were unanimous for the first clauses of it. Some thought it not necessary, and many appeared against the last clause, because it made mention of maintaining of forces. Some said, that our defence was to be by forces, not by syllogisms ; some were for the word Considering instead of Maintaining ; it was declared to be no Proclamation of the House, as to the army. A long reasoning then was, Whether our Security was to be by any army or militia, or what other way. It was moved, That the said word Maintaining should be altered or amended into Considering. So the question was stated by the Chancellour, Approve, or Alter ; others moved, Approve, or Amend. E. of Annandale moved the question might be Approve, or

Not ; and if they pleased to state the vote, Approve or Amend, the question might be, which of the two should be [the] vote, First or Second ; and the vote being written and read, the vote was ordered to be called, First or Second ; and after three members had given their votes, Sir John Arskine called and said, the one side of the vote should be Amend or Not. He was told he should not interrupt the calling the vote. The Commissioner said he ought to go to the bar. D. Hamilton said, he might interrupt the calling till he understood the vote ; and the E. of Annandale did so yesterday. It was said for Sir John, that there being such a noise at the stating of the vote, that he had not heard it ; and the E. of Annandale said, he thought that that member should not be sent to the bar ; but there was a vast difference betwixt his own interrupting, which was only for understanding the question, and Sir John Arskine's, which proposed a new question, which could not be suffered. So the vote went on, and carried First. Then the next question was voted, Approve or Not, and carried Approve.

Given in by the Lord Blantyre, a Motion, by way of Act, which he said concerned the Security of the kingdom ; which was read, concerning the declaring all Commissions Military null at the death of the King, and they to stay in their quarters and garrisons where they happen to be, under the pain of treason ; the Chancellour for the time to intimate the King's death, and to call the Parliament, &c. Several motions made concerning the Arrears, the Funds, the Quota of the troops, &c. : all adjourned. The Parliament to meet to-morrow at 10 a clock, and the Committees at 9. Prayers said by Mr. Meldrum.

#### 48.—WEDNESDAY, JAN. 22.

Prayers said. Rolls called. Minutes read. Moved by the E. of Broadalban, that Captain Campbel [of] Fonab desired his name be struck out of the Resolve and Minutes. It was agreed, his name could not be struck out of the Resolve, but the Minute mentions certain persons particularly named in the Resolve.



My Lord Chancellour gave in a Motion, by way of Act, for 6 months' cess for two years, be given to maintain the forces with sustentation from Mart. laft, and some sum for maintaining the forces the two months past near by. This was taken up very snappishly, that the Chancellour should give in an Act of that nature, as unprecedented. This was, indeed, cutt and dry, and was the Articles. It was answered, it was not without president. E. of Annandale owned, and an instance was given of an additional cess in [16]91, read and voted at the same diet; and the Chancellour being a peer, claimed his privilege as a member of the house; he said he did not give it in to preclude other Motions; that the Articles had a negative, &c. So after this was let fall, they came to speak to the matter; some professed themselves against all standing forces; others craved the funds formerly laid on might be laid on the table. The D. of Hamilton professed, he was not for disbanding all, but [that] so many troops be kept up as might keep up the authority and grandeur of the government; and he thought, there was other funds for that. The E. of Tullibardine moved, He thought a regiment of horse, a regiment of foot, and a regiment of dragoons kept here, and a regiment at Inverlochie, was sufficient. Others desired to know what number of forces was demanded. It was answered, That forces were necessary, appeared from the late mob here on June 20, and from all Europe now increasing their troops, and from the disaffection in the kingdom: But it was said, the King might be trusted with the number, for to be sure he would never exceed the number that 6 months cess, which is 36000 pounds Sterling, and the excise, which is 30000 pounds Sterling, would pay. It was alledged, the number of regiments was encreased upon us, beyond the last establishment. It was answered, the King might disband, or sometimes diminish the number of centinels, and put officers in their place, or on occasion encrease centinels, not exceeding the fund laid on by the Parliament. After a considerable time's debate, adjourned the debate till tomorrow.

Read an Act for taking away the Quotes of Testaments, and reviving

the A 1661. The Parliament adjourned till tomorrow at 10 a clock.  
Praiars said by Mr. Dav. Blair:

49.—THURSDAY, JAN. 23.

Praiars said. Rolls called. Minutes read, with an amendment made. Proceeded to the consideration of the forces ; after some discourse, there was a Motion made of giving 3000 men of the present establishment. Long debate, and D. Hamilton gives in an establishment, extending to 1925 men, officers and centinels, and the expence of them for a year comes to 39000 and odd pounds Sterling, which the excise annexed, and inland will pay. Said, that the Excise comes now only to 30000, or 28000 pounds Sterling, and the King was content to abate 1000 men of the present establishment ; and though we were in actual peace, yet we have the view of war ; all Europe is arming ; we have many discontents in the kingdom, especially in the Highlands, and it might be of great use to his Majestie elsewhere. Answered, that in case of an invasion, 2000 or 3000 men was all one ; that if one would banter, it might be said, we are in actual war, for we proclaimed war with France, and are not included in the peace ; this will be an argument for continuing a standing army for ever so long as King James or the pretended Prince of Wales lived ; the way to encrease discontents was to burden the subjects, and our security consisted in the King's protection of his subjects, and their affection to him ; that whatever dissatisfaction was at the beginning of the Revolution, now the North countrie had very many well affected, &c. At length my L. Belhaven moved, The number should be noe than 2000; that ten men more be added to every company consisting of 40 men, which they reckoned would come to 2200 men. So that, after long discoursing, the vote was stated, 2200 men, or 3000 men : carried 3000 men be 14 votes. Some moved, The number might be marked in the Minutes ; but the Chancellour had adjourned the Parliament till tomorrow at 10 a clock. Prayers said.

## 50.—FRIDAY, JAN. 24.

Prayers said. Rolls called. Minutes read. Proceeded to the business of the army. Discoursed long on the establishment. An establishment given in be the Treasurer Depute, said to be the King's inclinations, amounting for pay in the year to 66313 pounds Sterling, or thereby. An other establishment given in by D. Hamilton, extending to 58000 pounds Sterling, some odds. So after long discourse, it was moved to delay the consideration of that affair till the members were better informed, and that the establishment [16]98 were produced, which it was alledged was not observed. It was said, the number was not encreased, and it was the King's prerogative to establish the number of corps as he saw fitting. It was said, there was a great difference betwixt 3000 horse and 3000 foot or dragoons. It was answered, 3000 horse was not pretended to, nor would the Quota demanded extend to that. So in end the question came, Proceed or Delay: carried Proceed by 24 votes. Then after some debate, remitted to the Committee of Security to consider the Quota and Fonds, and bring in an Act on the whole first Sederunt next week, without preferring any other business, and to consider the several establishments. Parliament adjourned till tomorrow at 12 a clock. Prayers said. The Committees to meet at 9.

## 51.—SATURDAY, JAN. 25.

Prayers said. Rolls called. Minutes read, and some Petitions. Proceeded to the consideration of the E. of Argyle's process against the Duke of Gordon and E. of Aboyne. Before the Chancellour offered to report the last day's debate upon informations, the Lord Advocate moved for the E. of Argyle, That he was content the process at this time be restricted to the restoring the Marquis of Argyle's blood, reputation, and dignity. That was refused by the Duke and E. of Aboyne. There was a motion by the Advocate, That for all things else E. of Argyle was content to submit to

His Majesty. The Duke said, he was content to submit his life and fortune to His Majesty, in the terms of his capitulation, when he was in the castle. So, after long discourse by the Members, and draughts of a submission, bearing the Parliament to decern as to the restitution *per modum justitiæ* of the Marquis of Argyle, as to blood, name, and honour, which could not be done by the King without consent of Parliament, It was moved, The Parliament should proceed to that, and the Decreet not to be extracted till His Majesty gave order. In end, moved, That the E. of Annandale, Viscount Seafield, President of the Session, Lord Advocate White-law, go out and adjust the terms; and it was reported by my Lord Seafield and Annandale, that they were agreed as to the substantials, but that the Duke craved leave to advise, till Munday at 10 a clock, about the wording of some things; which was allowed.

In the time while they were adjusting of things without, my Act for making up my papers, burnt by the fire, 3. of February, was read and approved by the vote. Then an Act reported from the same Committee in favours of Mr. Gregory was read and marked A first reading. Then a petition of Mr. James Smith's, with the report of the Committee, read, and the report approved. Both this [and] Mr. Gregory's Petition relates to water-works for drawing of water; Mr. Gregory's is craved for 31 years, Mr. Smith's for 34 years. The Parliament adjourned till Munday at 10 a clock. The Committees to meet at 9. Prayers said.

#### 52.—MUNDAY, JAN. 27.

I having gone after noon to a burial at Leith, came back about 4 to the Parliament, and they were on some thing concerning the E. of Argyle's cause c. the D. of Gordon, which, I know not what it was, but will know by the printed Minutes.

The Act for the Supply read; and, after some struggle, marked A first reading. Then read two Acts about the Highlands; an Act by the E. of Mel-

vil about theiving and breaking of houses ; an Act about weapon schawings or arming the leidges. The Parliament adjourned till tomorrow at 10 a clock. An Act for adjourning the Seffion till tomorrow 8 dayes read and marked A first reading ; given in by the Chancellour. Prayers said.

53.—TUESDAY, JAN. 28.

Praiers said. Rolls called. Minutes read. Proceeded to give the Act for the Supply a second reading, and it was moved, That the narrative might bear, That by the Claim of Right we could not have standing forces without consent of Parliament : Agreed, That the very words be insert without mentioning the Claim of Right, viz. That a standing army can not be kept up in time of Peace, without consent of Parliament. Then came to the mention of the establishment ; and it was moved, That the establishment [16]98 might be read. It was said, there behoved to be a regulation of the establishment, that the burden of maintaining 3000 men might be as easy as possible. It was answered, there was never the like in any state, and the King was a better souldier then any within the walls. It was craved, The establishment related to might be read, which was accordingly done : Then the vote was stated, Approve of the Quota conform to the said establishment ; and another stated, (it hath escaped me,) and the vote was First or Second : carried, First ; which, being put to the vote, I or No : carried, I. Then proceeded to the time from which to which this army should stand : D. Hamilton moved it to stand from 1. December last till last of May next ; Treasurer-depute moved it should be for 2 years, from 1. December last ; others from 1. December last till 10. or 11. of March 1702 ; some carried it on till 1. June 1702 ; others moved that it should be for the said two years, if wars break out, and to disband as many as the Excise can not sustain, in case of peace : So there was here a double vote, and the last was to 1. June 1702, or 1. December thereafter, and D. Hamilton told he could not but dissent from 1. December, &c. ; and many others craved

their dissent might be marked : carried to the 1. December, 108 votes for it ; 78 votes for the 1. June, whereof 67 craved their dissent might be marked.

Moved the reading the Act for adjourning the Session, but it being about 9 a clock, and the Commissioner having adjourned the Parliament till the morrow at 10 a clock, and the Committees to meet at 9, the business was let fall. Praiers said.

#### 54.—WEDNESDAY, JAN. 29.

Praiers said. Rolls called. Minutes read. Proceeded to the Fonds for maintaining the army. It was said, the Inland Excise, tho' set at 40000 pounds Sterling, was not worth above 30000 pounds Sterling ; that the present tacksmen offer to renounce their tack, and a petition was read for William Menzies, Captain Wood, &c. tacksmen, to that purpose. It was said, there were to be found that would offer 40000 pounds. The E. of Tullibardin gave in an offer to take the Inland Excise at 40000 pounds Sterling upon an assignation to Bailzie Menzies's tack, set against him. It was relished at first, but it was asked, if they would take their venture of Bailzie Menzies's tack whether it subsisted or not, in respect of clause in it, that it should be null in case of famine, war, and pestilence. It was answered, that they would secure the Publick of the sum upon assignation to the tack. Some said, there was no hazard of the tack's becoming null on the account of famine, seeing the victual was dearer before and at the time of the tack then it has been since ; but were not distinct and positive as to the warrantice. It is said, Duff of Braco is the offerer. It was moved, That the Lords of Treasury and Exchequer might meet tomorrow upon this offer, given in in write by the E. of Tullibardin, and marked by the Chancellour. Another motion made, That the Excise might, with consent of the tacksmen, be exposed to roup ; so, resolved upon remitting these two points to the Lords of Treasury, or to the Exchequer tomorrow.

Then proceeded to the other Funds for making up the Quota. Some

moved To burden the annual rents of money; but an Act of Parliament, in 1690, was read that knockt down this motion; others moved a sum upon every glafs window, less than ten pence; others upon paper to be stamped for writing of evidences; others a poll; others, that places and pensions bear a share, a third part; others, that assignments of gifts and titles bear a share: At last the vote was state[d], Whether the land cesses or other funds bear the burden: carried, Land cesses, by about 35 votes.

There was a great clatter about an expression in Baillie Menzies's petition of assurances given, when he took the tack. It was moved, he should condescend. The Lords of the Treasury did all vindicate themselves, but they added, it was not relevant for a ground of enquiry, seeing they were but *verba officiosa* to engage to a bargain, and he had no performance hitherto. The Parliament sat till about 11 a clock at night. The Lords of Treasury and Exchequer to meet tomorrow at 9—10. The Parliament at 12. Prayers said.

#### 55.—THURSDAY, JAN. 30.

Prayers said. Rolls called. Minutes read. The Chancellour reported, That according to the Parliament's remitt yesternight to the Lords of Treasury of the offer made in Parliament concerning the taking a tack of the Inland Excise, the Lords did meet, and Duff of Braco compeared and gave in his offer on the terms it was made yesternight. The Lords propounded, if his meaning was to take the tack and pay the sum, albeit Bailie Menzies's tack should be found null in law, or be vertue of any provision in the tack. He withdrew and advised, and made his answer, that he understood that if the said tack fell, he was freed, and the same being read over, the House found, That was not a ready fund for payment of the army, and proceeded to put an estimate of 30000 pounds Sterling on the said Excise, especially seeing the Exchequer had offered it (upon Baillie Menzies's obligation to renounce his tack if it were set) to rouse, not being under 30000 pounds Sterling. I went out, and was out about 2 houres, and when I returned they were coming to

the vote, how much cefs to give ; and the queftion was ftated, 5 or 6 months : carried 6, be about 31 votes.

Then read Draught of an Act anent the diffolution of mines, &c. in favours of the Earl of March ; 2. Act anent diffolution of the Stewartry of Orkney only for the power of fetting long tacks ; 3. Act for remitting the bufinefs of the arrears to the Lords of Seffion, with a parliamentary power ; and it was moved, That a commiffion be appointed. Several other motions made. Then the Act for Supplie being brought in *in mundo*, was voted and approven. The Parliament adjourned untill tomorrow at 10 a clock, and the Committees to meet at 9. Praiers faid. Rofe after 10.

#### 56.—FRIDAY, JAN. 31.

Praiers faid. Rolls called. Minutes of the laft Sederunt read. The Commiffioner had a fpeech, fhewing, That the Parliament had paffed an Act for 12 months fupply of the forces ; the morrow is the day on which the fupernumerary forces, above 3000, muft be difbanded ; but becaufe the affairs of Europe was [at] prefent in a very uncertain ftate, His Majeftie defired the Parliament would confent to the keeping them up for fome fmall time, he paying them without burdening any fund of this kingdom. This feemed at firft applauded, but D. Hamilton faid, there was an act for keeping up and fupplying 3000 men juft now paff, and fhall we now break it by keeping up a forces on the liberty of the fubject. It was faid, the kingdom was not to be burdened with it. It was answered, better the kingdom be burdened, then to have them payed from abroad ; this made them foreign forces, though Scots men : A great deal was faid on both fides, and D. Hamilton broke in *incidenter*, on our forces yielding the pas to the Dutch forces in Flanders, to the difgrace of the kingdom. Lord Portmore faid, that the Dutch Guards were payed by Englifh pay, and were reckoned with the Englifh Guards, and did beat the Englifh march, and the Scots were preferred to all the other Dutch forces. So, after long difcours,



the[y] returned, and read the propofal given in by way of refolve, and condescended on keeping up the forces to be disbanded, not exceeding 1100 men, until 1. of June. The Duke and many others entered their dissent, and desired to have their dissent marked; but, being put to the vote, was carried, Continue the forces till June 1. next.

Then read several Acts marked A first reading, among which, Act in favours of the Lords of Session, for a quarter of a month's cess yearly, for two years, the first term's payment at Whitsunday next, presented by the E. of Annandale, who enforced it prettily vigorously. The Duke, in banter, moved, That there might be also a fond for the extraordinary Lords. Laird of Grant rose up in fury against it, and Kilbirnie, and several others, who moved the rejecting it. E. of Tullibardin spoke with great respect to the Lords, yet was not for burdening the country any further, but withall moved, It might be marked A first reading; which, after some struggle, was done. An Act presented by the Chancellour, ordaining the Directors, &c. of the Bank to qualify themselves. This was controverted as destructive to trade. The E. of Leven, Governour of the Bank, complained he had not been acquainted with that Act. The Chancellour acknowledged he had drawn it, but did not know his Lordship was Governour, otherwise he would have acquainted him. Moved, It should receive a first reading. E. of Leven craved, he might first be ordained to see it. The question was stated, See or Mark a first reading: carried, See. Several others read and marked A first reading. Then the Ratifications read, and new fairs and mercats. The Parliament adjourned till tomorrow at 10 a clock precisely. Praiers said. Came out at 9 a clock.

The Acts for personal Liberty, about Forraign Woollen Manufacture, Export of Wool, Discharging French Wine, Act in favours of the Africa Company, and others, with the Act for making up papers burnt in favours of Sir David Home of Croffrig, one of the Senators of the Colledge of Justice, all touched, after reading the Minutes, by His Majesties High Commiffioner.

When the Act in favours of the Lords of Session was read, the Lord Montgomerie rose up and said, none of the cels paying made such an outcry as that week's cels to the Lords, and he could say, that those in the country where he lived, of the Lords of Session, had a blessing following them. My Lord Anstruther took him up very sharply, and said, that was an accusing the Lords of Session of bribery, and it was a high reflection on the Bench, and desired he might go to the bar for it ; and Halcraig desired he might condescend if he meant by him. There was a great cry in the House, and, when it was quieted, he said he did not mean by any of the present Lords, for none of them lived in the country where he lived : so, after some discourse, this was let fall. The President said, if the Act was not acceptable to the House, they might let it alone, but he believed the Lords of Session, in their private fortunes, and cels on their money, and on their common stock, paid 1500 pounds Sterling of the burden.

57.—SATURDAY, FEB. 1.

Praiers said by Mr. Th. Wilkie of Canongate. Rolls called. Minutes read. Moved be the E. of Buchan to bring in Collonel Arskin's business against the Countess of Kincairden. Some thing also moved by the Earle of Aboyne, but I did not hear it, only he and E. Buchan cryed long for audience. But after the house was a little quieted, the Chancellour moved, After the E. of Argyle, the Three Estates would be private, and chuse their Commissioners for the Arrears and Pole. After some times separating, and a considerable time that the Commissioner staid in the Inner house, they returned for the Nobility, the Earles of Lauderdale, Lothian, and Leven ; for the Barons, Sir Francis Scot, L. of Livingston, Sir Al. Monro ; for the Burrows, Sir Archibald Muir, Mr. James Hamilton, Sir William Hamilton. Then the Act and Commission was read a 2d time, voted and approved. D. Hamilton moved The fonds for the Arrears might be remitted to the same Commission. It was alledged by the E. of Annan-

dale, That that could not be, but would require a new Commission; and albeit he had all regard to the persons chosen, yet they were chosen for a special end, and not in view of any other thing; and if the Parliament had had that in their view, possibly they should have chosen others or more; and it were unusual to have a Committee of Parliament to last longer than the Session of Parliament, for they were not to determine any thing, but to report.

The Duke also moved the remitting Dr Chamberlane's proposals to that Commission, but that was thought heterogeneous to their Commission, and of most dangerous consequence, to delegate an affair of so great importance to a Commission, with an unaccountable power. Moved by the Treasurer Depute, That Collonel Arskin's affair be remitted to the Lords of Session, with a parliamentary power. The President opposed it, and thought, that regularly that ought not to be; and he knew no specialities in this case. The Treasurer Depute answered, The speciality was, that during the dependance, Collonel Arskin could not grant securities out of the estate he had bought at a roup. The Viscount Seafield seconded the Treasurer Depute; and moved, That Powrie's cause might also be remitted and offered to condescend on specialities. D. Hamilton broke in and said, he would not suffer the Viscount of Seafield to proceed, for he interrupted him; for he had given in to the clerk the state of a vote which he desired might be read. Seafield offered to answer, but the Duke cried out and would not suffer him to speak; and after a great noise, the Duke prevailed to get his motion, and state of a vote read, viz. That the funds laid on for payment of the army and arrears since the year 1693, might be remitted to the said commission, I or Not. Then my Lord Forbes moved the Commission for the Highland Justiciary might be read; the E. of Buchan, That Mr. John Arskin's cause might be remitted to the Session. After a struggle, the E. of Buchan past from his pretensions. Then the question might be, Which of these should be first considered, the Highland Justiciary, or the Remitting the funds. A long contest there was, till both sides became silent, being weary

with contending. The E. of Annandale and Mr. Francis Montgomerie desired Seafeld to call for the Act *Salvo*. The Commissioner desired the Treasurer Depute to call at the clerk for it, and read it; which was done. The Duke said, Very right to read a menacing Act *Salvo* in the midst of a debate. After some time he desired to tell a story, an Italian story, of one who had been in great danger, and prayed to Saint Andrew to deliver him, and promised many fine things if he were delivered. After the man's deliverance, he neglected to perform. The[y] asked him how that came to pass. He answered in Italian, which the Duke repeated and Englished; That he was now delivered, and had no more adoe with the Saint. He had said, and the E. of Rothes also, they had many fine promises of good laws, before the cess was laid on, and now when it was laid on, no more good laws. The debate resumed about the preference. The Duke said, he was content the Act for the Highland Justiciary were first read, providing it were marked in the Minutes, that the Arrears should come next under consideration; and was answered, No; that was unparliamentary for the Parliament to prelimit themselves. It was answered, they had prelimit themselves, that nothing should go before the business of Caledonia; and that when they came to the business of the Army, there was a Resolve that they should proceed in it, nothing intervening. It was moved, The Duke might state his vote, and they would set up one against it, and vote which of them; or that the question might be, Which of these should be first, The Highland Justiciary, or Arrears. The Duke said, he was content the Highland Justiciary should go first, if his came next. It was answered, there was no such thing in the Parliament, as such pactional votes. Others moved the Act against Leasing making, drawn by the Advocate, and read yesternight, might be read. The word from the Commissioner to the Officers on the Throne was, That he was not very clear in his instructions anent that, but he would be advised by the President and Advocate. They were for it, but demurred to give advice; yet, after the President's speaking with the Commissioner,

it was resolved they should not move it ; but if it were moved by others, to give way to it. It was moved ; but the Lord Forbefs and Collodon stood up for the Highland Justiciary. So, after the Commissioner's long patience, he rose up and made a speech, that he had had very long patience, and possibly more than he should have had, in hopes of their coming to some agreement about a vote : but seeing they were not like to agree, he had formerly called for and caused read the Act *Salvo*, and must now again call for a vote on that ; but before he do that, he behoved to let them know he had ample instructions and all good inclinations to have consented to many good laws lying before them ; that they had now sitten above 3 months, and they spent two months before they came to the business of the Army by their debates about stating of votes, and bringing matters to a vote, and that now his time was out, and he was not to blame that they had not obtained these good laws. The Act *Salvo* was put to the vote, Approve or Not, and the full Rolls were called as the first day of this Session. The D. of Hamilton moved The Minutes might be adjusted before they parted. The Chancellor, by order of the Commissioner, adjourned this Parliament unto the first [Tuesday] of May next, being the sixth day, and declared it was adjourned unto that day. Prayers said. Came out before 9.

The D. of Hamilton had protested, That he had offered, for clearing the Arrears of the Army, and a vote to remitt the same to the Commission to enquire into the Fonds, and that he was interrupted and not allowed to bring it to a vote, and he threw in his guinea to the clerk. Others adhered. The Visc. Seafield protested, That he was interrupted, and not suffered to bring his question to be stated, and he gave an account, as is above stated. The Treasurer Depute protested, He was also stopped and interrupted in his discourse by the D. of Hamilton. The Lord pity the nation, for this Parliament hath parted in an ill humour, and throw men's oppositions, many good laws, [and] private persons business, was not allowed to come in.

## THURSDAY, MARCH 20.

I shall here begin with what passes in the Council, of moment.

This afternoon the Advocate produced a tallzie-duce, or a paper cast off a plate. He said one . . . Kennedie, an honest man and elder in Mr. John Moncrief's parish, came with it to him, and told him he had brought it as soon as he got notice of it. The paper is an hieroglyphick, bearing a woman with a crown on her head, and *Scotia* written above it; proceeding out of her mouth on the right side, in Latin, these words, *Sumite animum, tam quibus salus, quam quibus gloria patriæ charissima est*; and, on the left side, *Take courage ye to who[m] your safety and the glory of your countrie is dear*; beneath, at her sides, in some copies only, the 84 dissenters, and in others, by way of amendement, the Caledonia supporters. In her hands stretchd out Garlands; in the right written *Patriæ*; in the left *Fautoribus*. Then under these, in two large pillars, the names of the Nobility who dissented from the vote for addressing, and not making an Act anent Caledonia; and below these, in two lesser columns, the commissioners for barons and burgessees who dissented, with some subjoined who were absent, about 5, and compeared next day, desiring their names to be marked with the dissenters, and 6 more who voted right, but were necessarily absent that day; and, at the foot of all, an Angel with a Glory and Thunderbolt in his hand, with these words from him, *Procul, ô! procul este, profani*, and a big man holding up his hands, and others lesser, the foremost leaning on a staff, and the Devil with him on his shoulders, and one in flames, with a word in a label over his head, proceeding from his tormentor, *Vendidit hic auro patriam*.

There were secured one Auchmoutie, a door-keeper of the Africa Company, and one Mr. John Thomson, under clerk thereof.

Auchmoutie being called in, and all removed but members, he was shewed the paper and copperplate off which it was done ; he confest he had a hand in carrying on that work, which he did not think would give offence to any ; that he agreed with the engraver for 6 pound 10 sh. Sterling ; that he borrowed 3 pound Sterling thereof from his sister ; that Mr. Thomson was the contriver and designer of it ; that by those going to hell, he understood those who sold the colony ; that he knew of no other privy to the design. He signed his confession.

Mr. Thomson acknowledged he did design the paper ; that he shewed it to Auchmoutie and several others ; that he thinks Mr. Roderick M<sup>c</sup>Kenzie, Secretary to the Company, saw it ; that he gave this day a copy thereof to my Lord Whitelaw ; about 8 dayes agoe a copy, done with his pen, to the Marq. of Twedale, who gave him half-a-guinea ; and about a fortnight agoe, another to the Duke of Hamilton, but the Duke gave him nothing. He also signed the declaration.

The printer called in, tels, That they had conduced with his wife and servant, but as soon as he knew and got a copy, he came therewith to the Advocate's.

Burgun, the printer's man, declares, Auchmoutie came to him with the plate, and wett the paper, and he reckons there were cast off about 30 or 32 copies.

The Council here ordered to send Auchmoutie and Thomson to the Castle close prisoners, for contriving and publishing a pernicious paper against the Government.

Mr. Roderick M<sup>c</sup>Kenzie called in, Declares he never saw the print nor the plate till that moment they were shewed him at the bar ; that he did see Thomson working at it in the office, but took little notice of it ; that he had given a list of the Parliament to Thomson to copie, which he had gotten from the Lord Blantyre, but not in view of that, or any distinct list of the Dissenters ; that he was asked by Thomson, or Auchmoutie, what he thought

such a plate would cost, and that he was told they had advanced 4 pound Sterling, which he said was by far too much, but that he had no skill in those matters. Mr. Roderick [having] signed his declaration, was ordered to close prison in the Tolbuith.

The Clerk of Council, Sir G. Eliot, ordered to go to the D. of Hamilton and Marq. of Twedale, and require up the copies gotten by them. White-law, being advertised by the Advocate, sent up his copy with his man to the Advocate.

FRIDAY, MARCH 21.

The clerk reported he had been at the Duke, who said he acknowledged one come to him with the paper, whom he never knew, and having read the names, and observing some of them wrong, he threw it away and never saw it since; and declares upon his honour he knows not where it is. The Marquis of Twedale acknowledged he had such a paper, but knows not where it is; but if the Council insist for it, he will look it out and send it. The Council seemed not satisfied with their answer. It was moved by the C[hancellor] they be ordered to attend the Council. I said, it would be fit in the first place to consider what to say or do to them, in case they gave the same answer they had sent with the clerk. It was said, time enough for that, when we heard their answer; so by vote it was carried (Halcraft and I being no voters,) to send a macer with his mace to require them to attend the Council.

In the interim, the Council ordered most of the copies to be burnt [between] 12—1, be the hands of the hangman, as a wicked and pernicious paper; and the Advocate having read a paper he had drawn by order of the Council yesternight, showing the laws on which a libel might be framed, and the Council ordered him to indict M<sup>c</sup>Kenzie, Auchmoutie, and Thomson, before the Lords of Justiciary.

As to the burning, the C[hancellor] insisted very fervently that the pa-



per be read at the burning ; but there was none that seconded him, yet he demanded a vote.

The Marquifs of Twedale being in the Africa Company when the macer found him, he came to the Treasury-room, and the Council being advertised, it was moved by the C[hancellor,] and fervently urged, he should be brought to the bar ; all appeared against it, one indifferent, as appeared by the vote. Then was sent out to him the E. of Leven, Advocate, and Treasurer Depute, who reported, that the Marquifs said the paper was some way fallen by, and that he should look it out and send it to the Clerk betwixt and two a clock. So the Marquifs was told by S. G. E[lliott] the Council accepted his answer, and desired him to be gone, and to send the paper as he had said.

The Duke being come, the same three were sent out to him, who reported the same the clerk had reported ; and further, that he had not given or sent it to any, that he would enquire at his servants for it, and search his papers, and so soon as he found it would send it to the clerk, and was content the Council sent any to be witness to his searching, and he should show him all his papers, and was willing to depone upon all. So the Duke was also dismissed.

Another, Finlayson, a servant of the Company, called in ; he knew but little, save that he saw Thomson working at that work. He is ordered to the guard till he find caution, under the pain of 200 merks, to compare when called for.

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1702.

WEDNESDAY, MARCH 11,

News came from Court, in a letter from the Duke of Queensberry, &c., That after the King at hunting had got a fall from his horse, and broken his collar bone, which was knit again, he had taken a violent fit of an ague,

on Munday 2d instant, but that the physicians had no fear of him then. On Saturday after, being the seventh and date of the letter, the King's physicians declared to the Council of England, that his case was dangerous, and that they had more fears than hopes. In this letter, they advise the Council to detain the regiments that were ordered to embark for Holland, and to advertise Brigadier Maitland, at Fort William, to look well to his garrison, whatever happen. This the Council has ordered, and to advertise all privy Counsellors to come to town and attend.

THURSDAY, MARCH 12.

Collonel Row came exprefs from Court with the sad news of His Majesties death, on Sabath last, the 8. of March, about 8 a clock in the morning. The letter from our courtiers, bears, The Queen had taken the coronation Oath, in prefence of the Scots Council there, viz. D. Queensberry, Argyle, Marquifs of Lothian, E. of Seafeld, Hyndford, Mar, Morton, Eglington, Vif. Teviot, L. Jedburgh. There was a letter from the Queen, continuing all commiffions, civil and military, and giving affurance of her care of the Protestant religion, and the government of the church established by law; and intimating her inclinations that the forces be transported to Holland. She, by the courtiers, leaves it to the Council to give their advice if the Parliament may not be adjourned to a longer day then the 20 dayes after the King's death, according to the Act 27 in An. 1696.

The Council resolved to proclaim the Queen tomorrow, it being late this night.

FRIDAY, MARCH 13.

There was considerable reasonings upon the Querie stated by the courtiers, by order of the Queen, viz. If there was an absolute necessity for the Parliament's meeting 20 dayes after the King's death. The answer of the Council was, That the Queen may adjourn the Parliament within the 20

days, so as it needs not meet precisely on the time appointed by law. Against this vote there was the E. of Lauderdale, L. Rofs, L. Halcraig, and Laird of Grant : not clear, Visc. Roseberry and L. Croffrig.

About 3 a clock, the Chancellour, Privy Councillors, and several noblemen, gentlemen, and burgeses, went to the Cross and theator, and proclaimed the Queen.

At 7 a clock, the Council met, the Members of Council having, before the Proclamation of the Queen, sworn alledgeance, and signed the Assurance a little amended. The L. Rofs and L. of Grant declined till after the Proclamation, and then offered to swear the Alledgeance, which was administered to them ; but they scrupled to sign the Assurance, alledging there was no law requiring it. But they being removed, the Council considered the Act of Parliament, and found the Alledgeance and Assurance could not be separated ; and they being called in and acquainted therewith, they still continued their demur : so being again removed, word was sent to them that they needed not attend longer this night.

There was a letter signed by the Members to the Queen ; and another to the courtiers, in answer to the Querie, signed by those Members who were for adjourning the Parliament.

#### SATURDAY, MARCH 14.

This day the Lord Rofs and the L. of Grant signed the Assurance to the Queen.

#### MUNDAY, MARCH 16.

The Lords of Session, such as were in town, having mett and qualified themselves, and gave [given] their opinion what should be done by the Council anent Diligences and the Seals, the Council did accordingly emitt a Proclamation.

## MUNDAY, MARCH 23.

There came a flying packet, with orders from the Queen to adjourn the Parliament till May 26. As to the transporting the Forces, she signifies her inclinations it be done, unless there be an absolute necessity for their staying ; but leaves it to the Council to do as they think fitting. The vote was put, Sail or Debark : carried Sail ; but there was for Debarking, the E. of Melvil, Lord President of the Council, E. of Buchan, Leven, L. Just. Clerk, L. Croffrig. The Council ordered the adjournment of the Parliament to be proclaimed.

## THURSDAY, MARCH 28.

The Council mett and adjourned till April 28.

## TUESDAY, APRIL 28.

The Council mett and adjourned of new till May 21.

## THURSDAY, MAY 21.

The Queen's Letter for adjourning the Parliament to June 9, read, and a Proclamation for doing the same, signed by all the Members without voting, not being customary to vote exprefs commands. The proclamation of Council An. 1697 against importing or venting forraign coppar or brasse coin ordered to be reprinted ; it being informed that great quantities are bought up for importation and part already imported.

## SATURDAY, MAY 30.

The D. of Queensberry Her Majesty's Commissioner (being come on Wednesday) was present, where a letter from the Queen having been read yesternight in Council at the Abbey, (where I was not present, but I read it this day,) requiring the Council to proclaim war with France ; this day the

Proclamation was read in Council; the vote was stated, Approve of the Draught or Not: carried unanimously Approve, and signed by all present. The Council adjourned till Thursday next. And afterwards, without meeting, was adjourned till Thursday, June 11.

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1.—TUESDAY, JUNE 9, 1702.

The Parliament met about 1 a clock.

Praiers said by Mr. Blair. Immediately after prayer, the D. of Hamilton offered to speak, and the Chancellour said to him, My Lord, the Parliament is not yet constitute. He answered, it was about that he was to speak, and said, That in the last Session of Parliament held by King William, they had had many debates, and much contention, he and many others in the House had a paper to offer in the words following, viz. "For as much as by the fundamental laws and constitutions of this kingdom, all Parliaments do dissolve by the death of the King or Queen, except in so far as it is altered by the 17 Act of the 6 Session of King William's Parliament empowering the Parliament last in being at his Majestie's death to meet and act what should be needful for the defence of the true Protestant Religion as now by law established, the maintaining the succession to the Crown as settled by the claim of right, and for preserving and securing the peace and safetie of the kingdom; and seeing that the foresaids ends are fully satisfied by Her Majestie's happy accession to the throne, whereby the religion and peace of the kingdom are secured, we conceive our selves not now warranted by this law to meet, sit, or act, and therefore do dissent from any thing that shall be there done or acted, and thereupon take instruments."

Then he and a great many more took instruments thereupon, and withdrew from the house.

Then was read Her Majestie's Commiffion to William D. of Queensberry to represent Her Royal person from April 7 last, and during Her Majesties pleasure.

The full Rolls called. Read the Coronation Oath taken by the Queen and attested by the Privy Councillours at London, on 8 March last.

Read the Queen's Letter for the Lord Montgomerie's voting as Lord High Treafurer, and he admitted by taking the oath of Alledgeance to the Queen, the oath *de fidei*, and signing the Assurance. The Marquis of Annandale's Commiffion for being Lord Privy Seal read, and he qualified. The E. of Seafield's Commiffion as joint Secretary in conjunction with the D. of Queensberry read.—But immediately after the Rolls, the Peers were qualified by tens, the Barons by eights, and the Burrows by fives.

Read the Patents of honour for the D. of Argyle, Marquis of Lothian, Marquis of Annandale, E. of Seafield, E. of Hyndford, each of them standing as his Patent was read, and they then qualified as Members of Parliament.

When the Queen's Letter was produced in favours of the Lord Montgomerie, the Viscount of Tarbat spoke, and alledged, That this Parliament was a limited Parliament, founded on the late Act, so that he did not think any new members could be received. The Advocate answered, that by that Act not the Members then sitting, but the Parliament current for the time, was to meet upon the King's death, and by the Acts of Adjournment since that Act there was power granted in case of the death of any Member to chuse a new Member. The Secretary spoke to the same purpose. So Tarbat having said what he said was with submission to the Parliament, the matter was let fall.

The Queen's Letter to the Parliament was read, signifying the great loss of the late King, her encouragement by her hopes from this loyall Parliament; evidenced, by the many loyall addressees upon the French King's injurious actings, that she gave assurance of her firm resolutions to maintain the true interest of this kingdom, both Civil and Religious, and of the Protestant

Religion, and of the Presbyterian Church Government as now established by law, and had fully instructed her Commissioner as to these things, and as to the encouragement of trade ; had declared a war with France upon most just grounds ; had prosecuted the Union in England, proposed by the late King, so far, as to get a warrant to her to name Commissioners for that purpose for England ; and that she demanded nothing from this Parliament but what tended to their own security and welfare ; also for suppressing immorality, &c.

The Commissioner had his speech lamenting the loss of the late King, and enlarging upon commendations of the Queen, and speaking to the several articles of her Letter.

The Chancellour spoke at length to the great loss of the late King, and in commendation of him, as also in commendation of the Queen, and to the points of her Letter, and the Commissioner's speech.

Moved by the President of Privy Council, the Queen's Letter, &c. be printed, which the Commissioner agreed to.

Then the Lord Privy Seal, Marquis of Annandale, had a touch at the loss by the King's death, and moved There should an Act be brought in for recognizing the Queen ; and the Act recognizing King William and Queen Mary was read, and leave given to the Marquis of Annandale to bring in an Act to that purpose.

Moved by my Lord Tarbate, That a supply be granted to her Majesty for defence of the kingdom.

Moved by my Lord Stair, Consideration be had of that part of the Queen's Letter concerning the Union.

Moved by Sir Alexander Bruce, That some be appointed for drawing an answer to the Queen's Letter.

The Chancellour gave in the Reasons of a Fast presented by the Commission of the General Assembly now sitting to her Majesty's Commissioner, and moved An Act be brought in for that purpose.

Moved, That at the next meeting of Parliament the Members be in readiness to give in their lists for the usual Committees, in the usual numbers, viz. for the Security of the kingdom, for Trade, for Controverted Elections, Drawing an Answer to the Queen's Letter, and for Revising the Minutes. But that for Trade I think was not mentioned. Ended with prayer 4-5.

2.—THURSDAY, JUNE 11.

Praiers said. Rolls called. Minutes read. Some debate about the amendments of them, concerning the Secession; and it was declared, no clerk could give Extract of the Instruments taken, except only of the Minutes, in respect the paper read by the D. of Hamilton was not given in.

Act for adjourning the Session, A 1st reading. Given in by my Lord Privy Seal, Draught of an Act recognizing the Queen, read for the first time.

Given in by my Lord Advocate, Act ratifying the laws for the Protestant Religion, and against Popery, and ratifying the Presbyterian Church Government.

Act for recognizing the Authority of this present Parliament, conveyed by virtue of Act 17. Parl. 1696, Declaring it treason to call in Question the dignity and authority thereof, under any pretence whatsoever.

My Lord Tarbat said, this was an Act of great importance, and tho he would not question the word Parliament, which was equivocal, signifying one thing in France, another thing in England, and having different significations in Scotland, yet, it could not be doubted, this meeting should rather be called a Meeting or Convention of Estates; and that it had its being, contrary to the nature of Parliaments, from the said Act, and was thereby limited both as to time, and as to what one might act by it. The Advocate, Seafield, President of the Session, and Lord Stair, and Marquis of Annandale, seemed to go in with Tarbat, and that the Draught bore no more. After some discourse this was let fall till second reading, A first being marked.



Act for a national fast the [third] Thursday of July next, with the Reasons given in by the commission of the General Assembly, read, and marked A first reading.

Moved again by the Lord Tarbat, An Act be brought in for a supply to Her Majesty.

The Estates went apart to chuse their Committees.

#### COMMITTEE FOR THE SECURITY OF THE KINGDOM.

*Nobility.*—L. President of the Council, Duke of Argyle, Marquifs of Lothian, E. of Marr, E. of Lauderdale, E. of Loudon, E. of Leven, E. of Hyndford, Visc. Stair.

*Barons.*—Sir Ro<sup>t</sup>. Sinclair, Sir John Swinton, Mr Francis Montgomerie, Jo. Crawford of Kilbirny, Lord Aberuchel, Adam Drummond of Meggins, Sir Ja. Elphinston of Logie, Dun. Forbefs of Culloden, Mr Ja. Melvil of Halhill.

*Burrows.*—John Anderson for Glasgow, Sir Archbald Muir, Sir James Smollet, Sir David Dalrymple, Sir Alexander Oglevie, Sir John Hamilton, Sir Hugh Dalrymple, Mr. Ro<sup>t</sup>. Stewart, Sir Alex<sup>r</sup>. Home.

#### COMMITTEE FOR CONTROVERTED ELECTIONS.

*Nobility.*—E. of Buchan, Glencairn, Kintore, Visc. Tarbat, L. Forbefs.

*Barons.*—Prestongrange, Pollock of that ilk, Arkinglafs, Sir John Dempster of Pitlever, Ro<sup>t</sup>. Reid of Baldovie.

*Burrows.*—John Muir for Air, Sir Andrew Home, Mr. Joh. Murray, Mr Will. Johnston, Mr. Ro<sup>t</sup>. Forbefs.

#### COMMITTEE FOR ANSWERING THE QUEEN'S LETTER.

*Nobility.*—Duke of Argyle.—*Barons.*—Mr. Francis Montgomerie.—

*Burrows.*—Sir Hugh Dalrymple.

## COMMITTEE FOR REVISING THE MINUTES.

*Nobility*.—Vise. Tarbat.—*Barons*.—Sir Colin Campbel of Aberuchel.—*Burrows* —Sir David Dalrymple.

## 3.—FRIDAY, JUNE 12.

Praiers said. Rolls called. Minutes of last Sederunt read. Read, voted, and approven the Act for Recognizing the Queen.

Read, voted, and approven, Act for adjourning the Session till 1st July ; tho it was alledged by the [Lord] Whitehill, That it was not within the circle of this limited Parliament to do it ; it being answered by the Advocate, E. of Seafield, &c., That it was necessary for the conveniency of the Parliament that the Session be adjourned.

Act for Ratifying the Protestant Religion, and of the Presbyterian Church Government, read.

Sir Alex<sup>r</sup>. Bruce of Broomhall said, there was a distinction to be made betwixt the Protestant Religion and Presbyterian Church Government, which, as it is now settled, is inconsistent with the essence of monarchy, as might easily be demonstrated. Upon which there was a cry of very many, To the Bar, To the Bar. The E. of Seafield and Marquis of Annandale said, what he had [said] deserved censure, but he might be allowed to crave pardon of the House, or to explain himself. He said, he did only express his own sentiments ; whereupon again the cry was, To the Bar. So he was sent to the bar, and said he did only say he conceived so. The Advocate and others craved he might be removed ; and being removed, the Treasurer-Depute moved, That it might be put to the vote, Expell him the House or Not : carried, *nemine contradicente*, Expell. So he was called in and the sentence intimate. He said, he was sorry he was deprived of the opportunity of showing his readiness to do Her Majesty service. And so removed, and Order signed for the burgh of Sanquhar, to chuse a new commissioner.

Argyle had said before Sir Alexander went to the Bar, that the gentleman had taken the wrong cue, he had spoken too hastily.

The Act again read, voted, and approved.

Then the Act declaring the Legality of this Meeting of Parliament read. Moved by my Lord Whitehill, That it might be added, "Under the restrictions and limitations of the Act 17, 1696." It was said by the Marquis of Annandale, That he thought it was understood, by relating to the said Act, but because of weak bretheren, he thought that there might be an amendment. The Chancellour had said before, that seing Her Majesty was here represented by her High Commiffioner, and all the Three Estates were fitting here, that it was a Parliament to all intents and purposes. He was seconded by none. And V. Stairs said, he craved pardon not to goe along with that opinion; the Parliament having mett contrary to the common nature of Parliaments, by vertue of the said Act, they could not goe beyond the limits thereof, and that was of very large extant. The E. of Seafield moved a Temperament, that this Parliament could do nothing, but for the ends proposed in the said Act; which was agreed to, and so amended, and voted, and approved.

Act read, voted, and approved for a Solemn National Fast, on the 3d. Thursday of July.

All these Acts touched by the Commiffioner.

Moved by the Chancellour, That there being a report that the Faculty of Advocates had mett, and signed an Address to be sent to the Queen, very undutiful and unbecoming, That the whole Advocates and Dean of Faculty be cited to Appear before the Committee of Security: Agreed they be called and required to bring the paper alongst to morrow at 10 a clock, and a Warrant signed for that effect.

The Parliament adjourned till Tuesday next at 10 a clock.

## 4.—TUESDAY, JUNE 16.

Praiers said. Rolls called. Minutes read. An Overture read, voted, and approved, for a supply to Her Majesty for such Forces as shall be thought necessary, providing arms and ammunition, repairing forts and garrisons, and rigging out the ships, and maintenance of the men for guarding our coasts.

Report from the Committee of Security concerning the Advocats that gave warrant to the Dean of Faculty to sign an Address to the Queen, That they had enacted themselves to compear before the Parliament this day, and that the Committee had appointed the Advocat to draw a complaint against them, which he had done, and was read against 20 Advocats, viz. Mr Ro<sup>t</sup>. Bennet D. of Faculty, Sir Pat. Home, Mr. Arch. Cockburn younger of Lanton, Mr. James Grahame, Mr. John Stewart of Blackhall, Mr. Arch. Hamilton, Mr. James Colvil, Sir John Arskine, Mr. John Belphis of Tofts, Mr. Jo. Fleming, Mr. Adam Hepburn, Mr. Ja. Morison, Mr. Al. Hay, Mr. Thomas Rig, Mr. Will. Cowpar, Mr. George Douglass, Mr. Adam Colt, Mr. John M<sup>c</sup>Kenzie, Mr. George Schaw, Mr. Thomas Hope,—founded on Ja. 6. Parl. 8. c. 131. Ch. 2. Parl. 1. c. 4.; and was read again in their hearing, and they appointed to see it and answer it on Tuesday next. The Advocat is to give every one a copy, and the documents to be seen in the D. of Facultie's chamber. The Parliament adjourned till Thursday next at 10 a clock. Prayers said.

## 5.—THURSDAY, JUNE 18.

Praiers said. Rolls called. Minutes read, and an amendment made. The Overture from the Committee for 10½ months cess, and a Draught of an Act brought in by the E. of Loudon, beginning the first term's payment of 3 months at Candlem. next, and 2 months at Lam. thereafter, 2 months at Mart. 1703, 2 months at Candl. 1704, and 1½ months at Whitf. there-

after : marked A first reading. Motion made by Viscount Tarbat, That all who have fees or pensions from the Crown, offer a 4th part to the Queen. Seafield said, That these were at the Queen's disposal, which she may restrict when she pleases, that the fund of the civil list was now so defective as not to be able to pay it, but for his part he was willing to serve the Queen for nothing. The Treasurer-Depute said, he moved to advise the Queen that all gifts during life should be made during pleasure. Viscount Tarbat said, that were unjust, and the Parliament would not advise the Queen to do that which was unjust. This was let fall.

Draught of an Answer to the Queen's Letter brought in by the D. of Argyll read, and read again by paragraphs. There was one §. touching those who made Secession the first day of the Parliament, before reading Her Majesty's Commission, unsuitable to their duty, &c. Moved by the Lord Halcraig, It be left out, Seconded by the E. of Lauderdale ; but the Draught put to the vote, as to which many were silent.

The Estates went apart to chuse the Committee for Revising the Accounts.

*Noblemen.*—E. Galloway, E. Loudon, Lord Boyle.—*Barons.*—Sir Robert Sinclair, Kilbirny, Colloden.—*Burrows.*—Sir J. Smollet, Lord Halcraig, Mr Will. Johnston.

Pardoven said it was undecent that two of the tacksmen of the Customs should be on the Committee.

The Parliament adjourned till the morrow at 11 a clock. Prayers said.

#### 6.—FRIDAY, JUNE 19.

Prayers said. Rolls called. Minutes read. Sir James Smollet, one of the above Committee, craved he might be excused, but after some little discourse the same was let fall.

The Act for the Supply read, and moved [by] the Commissioner for Dundee, That the clause for retention might be left out, as not being given to the Queen. Moved by my Lord Secretary, by Stair, E. Lauderdale, Annan-

dale, There might be two Votes. The Chancellour preft it might be all in one Vote ; Seconded by the D. of Argyle, and accordingly was Voted and approved ; and being tranfcribed, was touched.

A new recommendation by the Parliament to the Queen, in favours of the E. of Morton, relative to an [Act] in an. 1693 ; but after debate, the word “ ftretches” left out, as undecent upon an Act of Parliament not yet refcinded.

Act for the Union read for the 1ft time.

The Parliament adjourned till Tuefday at 10 a clock. Praiers faid.

The Act for the Union is only a power enabling the Queen to name Commiffioners to meet, treat, and confult with the Commiffioners for England, and to fet down their articles in 4 duplicates, one for the Queen, one for the Parliament of Scotland, and 2 for the Parliament of England.

#### 7.—TUESDAY, JUNE 23.

Prayers faid. Rolls called. Minutes read. A Letter from the Queen read, touching the Seceffion ; to be printed. Lifts given in of additional Commiffioners to feveral fhires for the fupply.

Will. Alves received commiffioner for Sancher. Act given in by the Prefident of the Seffion from the Committee for Security, for a Highland Commiffion, read, and marked A firft reading. Act anent the Union read over again ; but moved by the Prefident of the Council, That the matter being very defirable, but weighty, the confideration of it might be delayed untill the next Meeting or Sederunt, which was allowed.

The Advocates called, upon the L. Advocate’s complaint againft the Dean of Faculty, &c., for his figning an Addrefs to the Queen in name of the Faculty. They craved allowance of Advocates to plead for them, and gave in a lift of 15 or 16 ; and they being removed, it was alledged by the L. Advocate that this was a defign to draw others in to take part with them, if they would content themfelves with two or three, it might be allowed them, and

he read the Act of Regulations, allowing only so many on a side. The Marquiss of Annandale said, that he was sure there was seven or eight of the list given in, that never opened their mouth at the bar in the Inner House. The E. of Lauderdale was for allowing them as many as they desired, being in a matter that concerned them so nearly. At last it was agreed, they should have 6 or 7, and they being called in, they gave in a list of 7, viz. Sir David Thoirs, Sir David Cunninghame, Sir Walter Pringle, Mr. David Forbes, Mr. Francis Grant, Mr. Alex<sup>r</sup>. McCleod, Mr. John Ferguson.

The complaint having been read before their Advocates were allowed, Sir David Cunninghame craved, that if they should unwarily drop any words that were liable to misconstruction, they might be favourably interpret. They were told they should take heed to what they said, for the Parliament would not allow them to take an undue liberty of speech.

Mr. David Forbes began the discourse, and entered upon shewing the Advocates were a Faculty ever since the institution of the College of Justice, &c., and then came to propose his Dilators. The Advocate told him, he had proponed Peremptors, and could not now return to Dilators. He and Sir David Cunninghame said, he had only proposed the narrative of matter of fact, which was usual before they come to the debate in law. Sir Walter Pringle said, that if one Advocate had unwarily managed the process, the rest might immediately correct him, and follow the right method.

They being removed, after some debate against allowing Peremptors by the Marquiss of Annandale, and some for allowing by the E. of Lauderdale, Mr. Will. Brodie, &c., it was agreed, They should propone first their Dilators, then their Peremptors, and the L. Advocate to answer both. They being called in, and this intimate, Sir David Thoirs alledged no process, because the complaint was forged, being signed with the Advocate's name, but not with his hand. He said, It was by his order. Answered, Cannot be heard, seeing that was expressly discharged by an Act of Sederunt of the Lords of Session, and declared to be forgery. 2<sup>o</sup>. The copie signed truly by

the Advocate was not up 6 free dayes, being given out but on Friday last. The Advocate said, they had enacted themselves to appear before the Parliament, and were warned *apud Acta*, and it was but a complaint. Answered, they had fulfilled their enactment by appearing the other day.

These Dilators are contained in printed Answers to the Complaint, and the Peremptors are in an Information, which were read; and to which the Advocate having made answers, and parties being removed, the question was stated If they were not guilty of a misdemeanour. The E. of Lauderdale asked if the Parliament was got over the Dilators, and moved To remitt this to some other court. The Marquis of Annandale said they were not worth noticing. After some debate, the Visc. Stairs moved, That the addressing of Advocates by their Dean of Faculty in matters not belonging to their ordinary administration might be found Unwarrantable. Some called it a misdemeanour; the Marquis of Annandale called it a high insult against the Queen and the Parliament, and that such a general was not apposite to the libell, as said the E. of Leven. In end the question was thus stated, If the voting, that the Dean of Faculty should sign an Address in name of the Faculty, and his signing accordingly, be relevant to infer an Arbitrary punishment or Not: carried Relevant. It being 8 a clock, the Parliament adjourned till Thursday next at 10 a clock, and the cause continued. Praiers said.

#### 8.—THURSDAY, JUNE 25.

#### 9.—SATURDAY, JUNE 27.

These dayes I was out of the House, and must trust to the Minutes.

#### 10.—TUESDAY, JUNE 30.

Praiers said. Rolls called. Minutes read. The Advocates called. The Parliament's Interloquitor in their cause read to them.



The Commissioner had a speech, thanking the Parliament for their loyalty and unanimity, and recognizing the Queen's authority, and passing the other Acts; that he was surprised to hear of an Act given in the other day without the knowledge of any of the Ministers, and because it might occasion heats and difference he did not incline they should proceed in it; he thinks for himself, that his early appearance at the Revolution, and his constant adherence to the present settlement, will not make any to doubt of his readiness to concur in all means proper for support of the government, according to the Claim of Right; but now, there having been no private business, and so no need of an Act *Salvo*, he did, in the Queen's name, adjourn the Parliament till Tuesday, August 18, and desired the Chancellour to adjourn it to that day, which was accordingly done. Concluded with prayers.

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Follows the First Parliament called by QUEEN ANN.

1703.

1.—THURSDAY, MAY 6.

After several adjournments of a new Parliament, this day it was ridden from the Abbey of Holyroodhouse to the Parliament House, in the order published in print, only the troop of Horse Granadiers did not ride as the order bears. The Commissioner came up after 1 a clock.

Prayers said by Mr. David Blair. The Queen's Commission to the Duke of Queensberry read. The Letter to the D. of Queensberry for appointing the Viscount Tarbat to officiate as Secretary in this Session of Parliament, the Commissions to the New Officers of State, (except the Thesaurer Depute's) read.

The Rolls called, where there were several stops, about receiving of Commissioners, &c. The Queen's Letter read. The Commissioner had a speech,

and the Lord Chancellour, all to be printed. The D. of Hamilton gave in an Act to be read, for recognizing the Queen's title to the Crown ; which was read, and marked A first reading.

The Parliament adjourned till Tuesday 10 a clock. Prayers said.

## 2.—TUESDAY, MAY 11.

Prayers said. Rolls called, and the E. of Home, Wigton, Aberdeen, Viscount of Stormont, and several others qualified. Minutes read. The Lord Boyd's Commission for Treasurer Depute read. Sir John Arskine desired he might be qualified for the Burgh of Burntisland, and allowed afterward to take himself to the shire of Clackmannan, if his election controverted by the Lord Tillicoutrie be determined in Sir John's favours. The Parliament resolved to discuss the controverſie first, and for that effect allowed them to put their writs in the Clerk's hands. The Controverted Election in East Lothian between Sir G. Suittie and young Ormston, to be discussed after their seing of the commission and papers *hinc inde*. The Commissioners for Berwickshire being all controverted, they are to put their writs in the Clerks hands. The controverſie for Lanerkshire took up a long time, in end agreed to read the Minutes at the election, which being read, Lamington, Jerviswood, &c. were admitted.

The Parliament adjourned till Friday at 10 a clock. Prayers said.

## 3.—FRIDAY, MAY 14.

Prayers said. Rolls called. Several New Members brought in and admitted ; Sir John Home, and Sir Robert St Clair, for Berwick shire, upon the other contending parties yielding to them. Lord Tillicoutrie admitted for Bute, Sir John Arskine for Burntisland, upon agreement gone throw the other controverted elections. Pollock of that ilk admitted, &c. Orders for new elections in Fife, Tuesday come 8 days.

Parliament adjourned others till first Sederunt of next week.

The Parliament adjourned till tomorrow at 10 a clock. Prayers said.

#### 4.—SATURDAY, MAY 15.

Prayers said. Rolls called. Proposed the proceeding to the consideration of the Act, given in the first day by D. Hamilton, for recognizing the Queen. It was urged, that the House having resolved, at least acquiesced, not to proceed to business till the consideration of the Controverted Elections were discussed, that it would tend much to the solemnity of this Act that the House were full. It was answered, all the House had done as to the Elections was to take them to consideration, which was done, and a day appointed for discussing them, and there is no reason the House be idle in the mean time. It was moved by Sir T. B., and seconded by the D. of H., that they might proceed to this Act, provided they did not proceed to other Acts; but it carried, To read this Act given in by the D. without such limitation; and it being read, the Advocate gave [in an addition] to it by way of Act, bearing, that it shall be high treason to quarrel or impugn Her Majesty's authority, or exercise of the Government since her entering upon it. It was urged by others, to vote the Act simply as it was brought in; others pressed that the Advocate's words should be taken in. S. T. B. alledged that thereby was understood the ratifying of the last Parliament. Others said, it appeared like an indemnity to the Queen, so made a distinction between the Queen's right to exercise the Government, and all the Acts of Government. It was answered by the M. of Annandale, that the words were plain, and asserted in the assurance, and nothing therein relating to Acts of administration; but if any would attack the Government, they would receive an answer. The Secretary said, there was no such meaning in these words as was alledged. On the other hand, it was moved by M. L. Wh. that the words of the assurance might be added. L. Belh. made another motion of amendment, which was said to be the same with the words. Then other words were moved to be added by Sir John Arskine; and it was vo-

ted Whether first or 2d additions should be made, but first it was moved to delay ; so the first question was, Proceed or Delay : carried Proceed, as I reckoned, by 38 votes ; then whether First or 2d additions be made : carried First. Moved, Approve the Act or Not : carried Approve.

The Parliament adjourned till Wednesday next at 10 a clock. Prayers said

The Lord Semple having been educated in the Popish Religion, and having formerly by warrant of Council sworn the Formula, did openly again swear it in presence of the Parliament.

#### 5.—WEDNESDAY, MAY 19.

Praiers said. Rolls called. Minutes read. I having come home late, and next day forgotten to write here, I refer to the printed Minutes. E. of Home gave in a motion by way of Act, for a supply, all blank in the sum and time ; Marq. of Twedale a motion as a Resolve.

#### 6.—FRIDAY, MAY 21.

Praiers said. Rolls called. Minutes read. The Controverted election of Berwickshire called, and moved It may be delayed, in respect that they were coming to an agreement, which was done.

Petition by the L. Rofs for turning away the Highway off from his house at Hacket granted ; but remitted to the Commissioners of the Shire, to see there be another Highway. Petition from Adam Cokeburn of Ormston for taking his Accounts as Treasurer Depute off his hands read, and to ly till the Parliament consider whether to remitt it to a Committee or to a Commission.

Moved by the Marq. of Athole, Ld. Privy Seal, That the whole Accounts in the late reign may be taken to consideration. This motion received a general applause, and seemed to be agreed to.

Proceeded to the Controverted Election of the Shire of Air, when Sir Al.

Home of Castlemain objected against Dr. Dickson whose lady was Dunlop's relict, That he could not have a vote, seeing he had not a 40 sh. land, &c. nor was married to an heiress. Answered, Husbands of Liferenters had a vote by Act of Parliament, 1681; and besides, his wife had right to an expired adjudication. The Parliament found, that by the said Act votes were allowed, 1. To such as had a 40 s. land, or 400 pound valued rent; 2. That by Liferenters there, are understood Liferenters by reservation; 3. That the Husband of a Wife that has a freehold is he, whose wife is alive and is an heiress; 4. That he has a vote after her decease by the courtesy: But that Dr. Dickson was in none of these cases, and as to the adjudication, when it was looked, it was found, she was at most a conjunct fear. This matter voted, and carried by 1 vote in favour of Sir Al. Home: But some of his objections against other voters for Kilbirnie being repelled, Kilbirnie was received.

Came to the Election of Dumbarton; and Kilmaronnock, in competition with Mr James Campbell brother to Argyle, was preferred and admitted.

The Parliament adjourned till Munday at 10 a clock. Praiers said.

#### 7.—MUNDAY, MAY 24.

Praiers said. Rolls called. Minutes read. Proceeded to the Controverted Elections betwixt Sir George Suittie of Balgon, and young Ormiston. The Parliament having appointed Sir George Suittie to adminiculate his commission, by proving that Beanston voted for him, adduced Sir George Brown, who deponed affirmative. Sir Peter Wedderburn, who deponed that he had an impression at the election, and ever since on his memory, that he voted for Sir G. Suittie, and thinks he did so to the best of his memory, he said he could not be positive, but it is not marked. Hay of Lethem deponed, he sat at a distance from Beanston, and he spoke low, but he apprehended he voted for Sir G. Suittie. The question was long of being agreed to; but it was stated and carried, That for adminiculating the

commission it was proven, that Beanston had voted for Sir G. Suittie ; and Beanston's vote was sustained.

Then was brought in Poplehall's probation of his having a 40 s. land of the 10 pound land contained in the retour produced, and it was long debated, Whether he should prove by the real rent of the whole, or the valued rent ; and it was carried, That he behoved to prove by the valued rent his proportion of the 1 pound land to give him vote. Then [a blank in the MS.]

#### 8.—WEDNESDAY, MAY 26.

Praiers said. Rolls called. Minutes read. Moved the Act [for the Cefs] might receive a first reading. Moved, They might proceed to the discussing the Elections that are ready. It was said, for the first, they were but few to go throw, there never was a thronger Parliament, and nothing essentially wanting to it, and the offer of a cefs will have the better grace it were early made. It was answered, the House seemed to go in or acquiesce, that the Elections should be first discuss ; but after some debate, the business of the Elections seemed to be let fall, and it was moved, That before proceeding to the Cefs, the motion given in by the Marquis of Tweddale for a Resolve of Parliament should be gone into. It was argued against that, that it might be considered afterward, and the Commissioner assured them they should have time. It was said, they might very much rely upon the Commissioner's word, but what if contrary orders should come from Court ; it was known the Treasurer of England behoved to be consulted in our affairs before the Queen were acquainted. This was noticed by the Commissioner ; also an apology made it was not meant by his Grace. The D. of Ham. had a great elogy on the Tre[asurer] of En[gland] as a very worthy person, that would give no ill advice to the Queen ; but still Englishmen will give advice with regard to their own country. Then Salton proposed the state of a vote, Whether to give the Act for the Cefs a first reading, or proceed to make Acts for the Security of our Religion, Liberties, and some added, Trade. There was long,

and tedious, and nauseous repetitions in debate, till candles were brought in, and it was moved, The debate [be] adjourned; and a litle before 9 the Parliament was adjourned till Friday at 10 a clock. Praiers said.

9.—FRIDAY, MAY 28.

Praiers said. Rolls called. Moved, Sir Patrick Home and Sir John Swinton might be received, there having been several meetings and an exact scrutinie by my Lord Phefdoe, Sir Gilbert Eliot, Mr. Al. Arbuthnot, and finding they were preferable to Kimmerghame and Coldinknows. It was moved by the Register, There was Petition against their admiffion, by John Marjoribanks of Dodrige, which being, it was therein represented, that Jerviswood having made his election for Clidsdale, it was as if he were dead, in which case there behoved to be a new election of one in his stead. It was alledged against the petition, 1°. Though it was signed by an advocate, yet not by the party as it ought to be; and when there was a petition given in by Sir Th. Kilpatrick of Clofeburn, against the election of Drumfries, it was laid aside, he not being present to own it. 2°. Jerviswood's election, though by moe, was controverted as well as theirs, and moe of his voters objected against. It was alledged by Sir D. D., as a baron of that shire, that it was the interest of the Barons who voted for Jerviswood to be represented in Parliament. It was said, that that was an objection not made at the election, and he himself was not at the election. After long debate, the question was moved, Admitt both or No : carried, Admitt both; so they were admitted and qualified. Then proceeded to the debate adjourned last Sederunt; and after a considerable debate, the Chancellour consented the Resolve be gone into without a vote, (a particular act being first given in by the Marquifs of Athole, Ld. Privy Seal, but not read, in pursuance of the Resolve,) viz. Resolved to proceed to make Act or Acts for the Securitie of our Religion, Liberty, and Trade, before proceeding to the Act of the Cefs, or any other bufiness. Then the Act given in by the L. Privy

Seal was read, relating to the Act in 1696, about the Parliament's meeting after the Queen's decease. 2. One given in by the Duke of Argyle, ratifying the first Act of the 1. Sess. of the last Parliament, and all the Acts thereof. 3. One given in by Salton, of the Parliament's naming of all officers, civil and military, in case of the Queen's decease, failing heirs of her body. 4. An Act by the E. of Rothes, that war be not without consent of Parliament. 5. One by Sir Patrick Johnston, late Provost of Edinburgh, about the importation of all sorts of wine and liquors paying the former dues. 6. One by the E. of Marchmont, for ratifying the laws against Popery, and for the Protestant Religion, and Presbyterian Church Government, and particularly the Act 5 of the Sess. 1690, in all its heads, clauses, &c.

The Parliament adjourned till Tuesday at 10 a clock. Prayers said.

The Earle of Roxburgh, when he observed a great struggle about suffering any thing to come to a vote, said, that 4 or 5 Officers of state from the Throne did hinder every thing to come to a vote. The modestest thing could be said was, To move to address the Queen.

#### 10.—TUESDAY, JUNE 1.

Prayers said. Rolls called. Minutes read. John Cokeburn, younger of Ormiston, received as commissioner for East Lothian. Several new Overtures for Acts given in: Several by Sir Patrick Johnston and Stoniewood, about Trade, one for a Triennial Parliament, and one against Pensioners, &c. A Motion, by way of Act, by the E. of Strathmore, for a toleration to all Protestant Dissenters in private houses. A petition of the Commissioners of the G. Assembly against a Toleration, alledging, That in our circumstances the granting of it would be the establishing iniquity by a law. All the Overtures allowed to be printed.

Then proceeded to consider the motions made last day. The E. of Marchmont moved, The Act for Religion might be read, and marked A first reading. There was a long debate by the D. of Hamilton, &c., that the Act



given in by the Marquifs of Athol might firft be read, which Tarbat, and his brother, and feveral others did fecond ; but in end the Duke and Athole yield the Act for the Church might be read ; and was read and marked A firft reading. Then the question was between the Marquifs of Athole's Act and the Duke of Argyle's : carried, The Marquifs of Athole's, under the name of Firft, by many votes. Vifc. Tarbat had oppofed the Act for the Church as being complex ; he faid none within thefe walls would be againft ratifying the Laws for the Proteftant Religion, but there were other things that might be brought in in a feperate Act, (meaning the Ratification of the Prefbyterian Church Government,) it would not go fo unanimoufly.

Moved be the E. of Mar, and he gave in an Act, for Adjourning the Seffion, which the D. of Hamilton preffed might be read, and marked A firft reading. It was oppofed by the Lords of Seffion and Advocates Members ; and in end, it was marked a Firft reading or Not, by Not, being understood. The Seffion was to fit ; carried by many votes, Not.

The Parliament adjourned till Thurfday next [at] 10 a clock. Praiers faid.

The Petition for the Officers, moved : is to be brought in with the Act about the Cefs. Act read in favours of the Africa Company. Motions about rigging out the frigats for clearing the coasts, full of French privateers.

#### 11.—THURSDAY, JUNE 3.

Praiers faid. Rolls called. Minutes read.

Moved, the Act for a Toleration be read. Moved, the Act given in by the Duke of Argyle be read, in order to the marking of A firft reading ; which was done. Then the Act for Toleration moved again. Moved by Salton, That rather there be an Act of Comprehenfion ; fo delayed thefe till next Meeting of Parliament. The Act by the Marquifs of Athole, Lord Privy Seal, read, and marked A 1ft reading ; but exprefsly agreed not to be paff at 2d reading.

The Parliament adjourned till Munday next [at] 10 a clock. Praiers said.

The Act ratifying the Laws for the Protestant Religion, and against Popery, and settling Presbyterian Church Government, read a second time, voted and approved.

#### 12.—MUNDAY, JUNE 7.

Praiers said. Rolls called. Minutes of last Sederunt read.

Moved, The Act given in by D. Argyle, ratifying the first Act of Parliament 1690. turning the Meeting of Estates into a Parliament be considered; and being read, agreed to the first part, ratifying the said Act, and declaring it treason to quarrel or impugn the authority thereof. As to the second part, D. Hamilton, Marquiss of Athole, Tarbat, his brother, Justice Clerk, E. of Aberdeen, spoke against the Declaring the quarrelling or impugning, or endeavouring to alter or innovate the Claim of Right, or any article thereof, to be treason; it was brought in, Declare and Statute, that it is, and shall be, treason. After long reason, the Duke moved for a delay; so the question was Proceed or Delay: carried, Proceed be 33 votes. Then a long debate, if it should be, is and shall be, or only shall be; and being in end stated, shall be, it was put to the vote, Approve or Not: carried, Approve be 70 votes or thereby.

The Parliament was adjourned till Wednesday [at] 10 a clock. Prayers said.

#### 13.—WEDNESDAY, JUNE 9.

Praiers said. Rolls called. Minutes read. After some petitions read, proceed to the consideration of the Act for securing the kingdom. Moved by M. L. Marchmont, That instead of the Narrative, the Narrative of the Act 1696, should be insert. This waved and reserved till the last place. Then proceeded to consider if the Parliament should meet in case of heirs of the Queen's body, then how the meeting should be called, if a Parliament

or Meeting of Estates. It was said, a Parliament supposed a King ; but this Meeting was to be upon supposition of no King. Some moved, It should be the last Parliament, and should meet without the designation of a Meeting of Estates. Moved, The words of the Ancient Custom, be left out, being uncertain history. M. L. Fountainhall said, That when K. Al. the 3d. died, there was a Meeting at Kinghorn, when the[y] considered the Maid of Norway as the next heir, and sent Commissioners to Norway to invite her over, and she died the same day the Commissioners arrived there, and Scotland was 6 years without a King. My Lord Belhaven had a long discourse on the attempts of Union with England, both before K. James 6., and since, and that kingdom's encroachments ever since, and their endeavours to exalt the prerogative here, to sett up Episcopacy to enthral us, not on a religious account : He was by some desired to print his discourse.

Proceeded to the time of Meeting : some thought 20 dayes too small a time, agreed verbally on 20 dayes, including the day of the Queen's death. The Place, some moved for Perth, because of the Castle here ; but they seemed generally to be for Edinburgh, as most convenient.

Proceeded to the Powers, &c., as to the naming of a Successor. Moved by M. L. Fountainhall, That A 2. P. 1618 was a bar to the diverting a successor. It was alledged, to stand rescinded by A. 5. Sef. 2. K. W. and Q. M. It was only rescinded in so far as it was inconsistent with the Protestant Religion therein asserted and ratified. D. H. alledged, it was effectually rescinded by the Claim of Right, and the Meeting of Estates, and the whole proceedings since ; and it were dangerous to make an Act Rescissory now, which would imply it was a standing law till now, so that we were all guilty of Treason, and needed an Indemnity. It was answered, the Claim of Right rescinded no Law, but only declared the Right of the Subjects ; and notwithstanding that Prelacy be declared against in the Claim of Right, yet it was abolished, and all the Acts establishing it rescinded by the Parliament. The Queen's Advocate gave in a draught of an Act for rescinding the said

Act; which being read, moved It be marked A first reading. This opposed, and a long time debated upon till it came to the vote, Ly on the Table, or Mark a First reading, very much pressed by the E. of Leven and Marchmont: carried to Ly on the Table, be about 24 votes.

There was, before the Parliament proceeded to the consideration of this Act, An Overture by way of Act given in by the E. of Melvil, for explanation of the Assurance, expressing the late pretended Prince of Wales, now usurping the title of King of this Kingdom, and Her Majesty's other Realms, and owned as such by the French King. Another by the Marq. of Athole against all Oathes or Declarations to be imposed, except the Oath of Allegiance and Assurance, now appointed by Law, &c.

The Parliament adjourned till Friday next at 10 a clock. Praiers said.

#### 14.—FRIDAY, JUNE 11.

Praiers said. Rolls called. Minutes read. Several petitions read; amongst others, one for my niece, Ann Cokeburn, for receiving the Report of the Committee in Anno 1701 for making up her papers, which was appointed to be done next Meeting. Then proceeded to the Controverted Election of Lithgow shire, and discussed several Electors of Houston Sharp.

The Parliament adjourned till Munday at 10 a clock. Praiers said.

#### 15.—MUNDAY, JUNE 14.

Praiers said. Rolls called. Minutes read. Several petitions read. Act against Boutchers being Grafiars read, and marked A first reading. Recommended to the Lords of Session, to put prices on the Vivers and Liquors. Powry Fotheringhame's Protestation for Remeid of Law against the Lords of Session's sentence, In the Action of Recourse, on the Warrantice of a Disposition be the Lord Gray to him, of the Rock and Castle of Broughtie salmon fishing, with the Assise fish, and other fishings thereunto belonging, upon a Declarator of Immunitie at the E. of Panmuir's instance of 4

boats ; in which Disposition the L. Gray warrants the two infes<sup>ts</sup> absolutely, but no *Warrando* expressed as to the Assise fish, nor no mention of the number of boats out of which they are due, nor the quota out of every boat, albeit it be alledged there was 10 boats, and 9 fish to be payed out of every boat. The Lords found there was no recourse of Warrantice upon such an Indefinite Disposition as to the Assise fish, and not being in the Warrantice. The cause was debated at length, by Mr. Jo. Ferguson and Mr. Francis Grant, for Powrie ; and by Mr. Dav. Dalrymple the Q. Advocate and Mr. Dav. Forbess, for the L. Gray. Then it was long reasoned upon by the Parliament. It was alledged, That Protestations for the Remeid of Law, were the right of the people, but they ought not to be extended to every case. The D. of H. stormed at this, and said, This was an encroaching upon the Claim of Right. But this was denied by V. St., for it does not allow bringing of every case even *in apicibus juris*, but where palpable iniquity ; and as the M. of An. said, where there was enorm lesion before the Parliament, in which case there ought to be a Remeid of Law, and then the Judges are liable to censure : so after much reasoning and altercation, moved the matter should come to a vote, If the Assise fish was so disposed as to infer Warrantice, or Not. Others moved the question should be Adhere or Alter. So after some debate about these two states, moved the question Which of these two should be the vote ; and when they were going to call the Rolls, the D. of H. said, That the Lords of Session should not vote in this matter, being concerned to support their own sentence. The President of the Council, and President of the Session, and Ld. Register, had all good and long discourses, The Lords could not be hindered to vote, and that this was over ruled in the case of the Lady Castlehaven, when the Lords were allowed to vote, and the M. of Ath. Ld. Pr. Seal also said the same, and that they could not be debarred to vote as Lords of Session, unless they had been called as parties, or were accused of bribery ; for as the Ordinary in the Outer House, when either he is complained of or reports upon an Amand,

is allowed to vote, so as if a question were about the privileges of Barons or Burrows in Parliament, they would not debar either of these estates. It was said by the E. of Rugl. If he were a L. of Session, he would be ashamed to vote in that matter. He was told by M. L. Ans. If he were in that noble person's place, he would be ashamed to speak so. After a long debate the D. of H. craved a vote If the Lords should vote in this cause or Not ; and when the Rolls were to be called, he moved the Lords of Session should not vote in that vote. It was answered, there behoved to be a vote upon that. He said, It was most unreasonable they should vote in a question wherein they were directly concerned. Answered, What if any should say the D. of H. and his brother the E. of R. showed themselves so concerned in this matter, they ought not to vote, could this be determined but by a vote ? So after more jangling, and the Chancellour's appearing at length for the L. of Session voting, saying, it might prove of most dangerous consequence not to allow it, for they vote not here as Lords of Session, but as Members of Parliament, and many now Lords of Session, were not on the bench the time of this sentence, nor is it known who voted for the sentence, who against it ; at length the vote was put Whether the Lords of Session should be allowed to vote in the principal cause or Not : carried unanimously, They should be allowed, except the E. of Rugland and Forfar who voted No. Then the next vote was, which of the two formerly stated should be the vote carried : Adhere or Alter. Then the E. of Aberdeen and D. H. moved the Dc<sup>t</sup>. should be read. Answered, The debate by the Lawyers was heard at length, and the Members had reasoned at length, and heard the Dc<sup>t</sup>. read in the material points, and also the clauses of Disposition, so that there remained nothing now but to go to the vote, which would have been voted long ago, unless there had been another state of the vote offered, and the debate about the Lords of Session's voting had not fallen in ; but because it was now upon the stroke of 10 a clock at night, and that the Members for the most part were withdrawn, moved and agreed to, That the voting be delayed till next Se-

derunt, and that then it should be proceeded to without any further debate, or any other business intervening. So, because the House is to be put in order, the Parliament was adjourned till Thursday next at 10 a clock. Prayers said.

16.—THURSDAY, JUNE 17.

Prayers said. Rolls called. Minutes read. Some petitions read. Proceeded to the Election of Linlithgowshire; after having voted the business of Powrie, c. the L. Gray; wherein the question being stated, Adhere or Alter: carried Adhere to the Lords' sentence.

And the Parliament having discussed several Electors of Houston Sharp, and casten them, Adjourned till Saturday next at 10 a clock.

17.—SATURDAY, JUNE 19.

Prayers said. Rolls called. Minutes read. Moved by the E. of Marchmont, That the Minutes 12. day might be amended as to the Claim of Right, viz. To Quarrel, Impugn, or Endeavour to Innovate or Alter, the word Endeavour, which is in the Act, being left out of the Minutes: and the E. of Aberdeen, &c. opposing it, it was at length agreed the amendment should be mentioned of this day's date.

Proceeded to the Electors of Linlithgow, and proposed to proceed to public business next week, particularly to the Act for securing the kingdom.

The Parliament adjourned till Tuesday next at 10 a clock. Prayers said.

18.—TUESDAY, JUNE 22.

Prayers said. Rolls called. Minutes read. Given in by the Marq. of Montrose, a Draught of an Act for security of the kingdom; two by the Ld. Advocate, a long one and a short one to the same purpose; one by Salton, containing 12 limitations upon the successor. After long altercation, Agreed

these four be allowed to be printed by the Sollicitour, and given to the Members of Parliament against next Sederunt.

Several draughts of Acts and Commissions read. At length with much ado obtained the Report of Ann Cokeburn's business to be read, and the Act thereupon got a first reading.

19.—THURSDAY, JUNE 24.

Praiers said. Rolls called. Minutes read. In the Controverted Elections of Linlithgowshire, after a debate of Lawers and Advising, Sharp of Houston was preferred to Lieutenant Gen. Ramsay, and admitted.

20.—SATURDAY, JUNE 26.

Praiers said. Rolls called. Minutes read. A complaint made of Ensign Seton, Paymaster to the Army, for having quarrell with Sir Ro<sup>t</sup>. Dickson and [David Sutherland] for voting against the L. Gen. Ramsay; and Seton ordained to be cited against the next Sederunt.

Proceeded to consider the Election of James Sinclair of Stempster for the Shire of Caithness, and the objection against it, That he was not appearand heir, nor infest, &c. in the terms of the Act of Parliament, 1681; and by a vote, his Election was rejected. Then proceeded to the Controverted Election of Orkney, but I came out.

21.—TUESDAY, JUNE 29.

Praiers said. Rolls called. Minutes read. The E. of Errol, Lord High Constable, acquainted the House, That on Saturday, after the Parliament rose, being acquainted that a scuffle had fallen out in the House, between the Lord Belhaven, and Sir Al. Oglevie of Forglan, he conceived it his duty to put them both under arrest, for keeping the peace, and to acquaint the Parliament now with what he had done. Moved by the D. of H. and many others, That they should take their humble acknowledgements, and receive



them again to the House. The Marq. of Annandale moved, That they having committed an insult on the Queen's Commissioner and the Parliament it could not be so easily past, and whatever the Parliament inclined to do, the Queen's interest behoved to be saved. The L. Commissioner said, he had a great honour for both parties, and the Parliament might do what they pleased, but having acquainted the Queen, he could do nothing till she signified her pleasure. There was several for this; but in end, resolved to delay until the parties gave in their petitions.

Ensign Seton, being cited, and called, he compeared, and Mr. Will. Johnston and another witness being examined *de placito*, the last deposed, Heard not what the Ensign said to Sir Ro. Dickson; the other, That he heard him say, you was *non liquet*. Sir Ro. answered, he was not there, being unwell of a pain in his stomach, so the probation failing, the Ensign was dismissed.

The Parliament adjourned till tomorrow at 10 a clock. Praiers said.

## 22.—WEDNESDAY, JUNE 30.

Praiers said. Rolls called. Minutes read. The Lord Belhaven and Sir Al. Oglevie of Forglan, gave in a petition signed by them, acknowledging some unbecoming expressions had by them, and indecent behaviour, and declaring their grief for the same, and intreating Her Majesty's Commissioner and the Court of Parliament would accept of their submission, and repon them to their places. This being urged by severals, the Commissioner said, That seeing it appeared the mind of the Parliament to pass by that, he was likewise willing to accept of their submission. So the parties, being still under arrest, were sent for, and told their petition was read, and inquired if they did acknowledge their fault. The L. B. said, he did in the terms of his petition; and Forgl. said, he was sorry for what had happened, craved pardon, and promised not to fall in the lyke, so they were allowed to go to their seats.

Moved to proceed to the Act for Security; but by others, That it being now late, that they could not get throw it, that it should be delayed till next

Meeting, and now proceed to private business. So moved by Sir J. H., To give Ann Cokeburn's Act a 2d reading, seconded by the E. of Marchmont, Sir J. Arsk., the E. of Home, Sir Gilbert Eliot, and after some struggle it was read. The Advocate, Justice Clerk, and E. of Aberdeen seemed to oppose its being excepted out of the Act *Salvo*; but the E. of Home having worthily declared, That he being the only person concerned, he knew the truth of that right and consented, it was put to the vote and approved *nemine contradicente*.

Then proceeded to the Act restricting the Acts against Leefing making to an arbitrary punishment; and the Acts to be restricted were read, and the Act read and approved.

A motion for censuring a Book lately come out in England, called *Historia Anglo-Scotica*, published by John Drake, M.D. dedicated to Sir Edward Seymour, and containing several injurious and false reflections on the Sovereignty and Independency of the Crown of Scotland, some of which were read. Moved It might be burnt by [the] hangman, which was ordered to be done tomorrow at 11 and the Magistrates to see the sentence put in execution.

Moved An Address be made to the Queen founded on her letter to this Parliament, that the authors of this and such books be punished; but nothing resolved as to this.

The Parliament adjourned till tomorrow at 10 a clock. Prayers said.

#### 23.—THURSDAY, JULY 1.

Prayers said. Rolls called. Minutes read. Moved, To proceed to the Consideration of the Act for Security of the Kingdom, which has had a 1st reading. Moved by the Laird of Salton, That they should first consider the limitations to be put on the next Successor, as more necessary than any other thing. E. of Marchmont had a long discourse of the reasonableness now of such Limitations, and the need of them, seconded by the D. of Hamilton, E.

of Buchan, &c. Propofed by others, To proceed to the reading the Act § by §. This debate took up about 3 houres, about ftating a vote; in end, it was agreed without a vote To proceed to the reading the Act, and the preface of it was read. And then the Parliament was adjourned till tomorrow at 10 a clock. Prayers faid.

#### 24.—FRIDAY, JULY 2.

Praiers faid. Rolls called. Minutes read. Proceeded to the Confideration of the Act for Security of the Kingdom. Moved by the E. of Lauderdale, That the Parliament fhould confider, in the firft place, where the Government fhall be lodged, from the Queen or her fucceffor's death till the Meeting of the Eftates; this feconded by the E. of Marchmont, D. of Hamilton, L. Belhaven, &c. Anfwered, The great bufinefs was the fettling the Meeting of the Eftates; and what fhall be agreed as to the Government in the interim, may come in in a clause afterward. After feveral houres debate, wherein feveral declared they thought it indifferent whether it be now fpoken to or afterward, it was voted, Whether or Meeting of Eftates: carried, Meeting of Eftates, be 31 votes, or thereby.

Then proceeded to the fettling the Meeting of Eftates in all events, and adjourned the debate till next Meeting of Parliament; and the Chancellor, by My Ld. Commiffioner's order, adjourned the Parliament till Munday next at 10 a clock. Praiers faid.

#### 25.—MUNDAY, JULY 5.

Praiers [faid.] Rolls called. Minutes read. And an amendment made on the Minutes as to proceeding to the powers of the Meeting of the Eftates in the event of the Act under confideration. Then proceeded, and [a clause added] That none who has been, is, or fhall be Papift the time of the Queen's death, or other events, and has not taken the *Formula*, be admitted a Member of that meeting. Moved, That no Proteftant be admittid by

election, who, having before that event been named for Justice of Peace, or Commissioner of Supply, hath not qualified himself before the event: This delayed. Then moved, by the Marquifs of Twedale, That no Englishman, that is a peer of Scotland, and has not an estate in Scotland, be then allowed to fit in that Meeting: This delayed till next Meeting, after long debate. Moved by the Laird of Salton, That all Members of the said Meeting be obliged to own the Claim of Right, and to adhere to the Protestant Religion. This much opposed by the Marquifs of Athole, as being against all multiplying of oaths; but he was allowed to bring in his Overture next Sederunt.

The Parliament adjourned till tomorrow at 10 a clock. Prayers said.

26.—TUESDAY, JULY 6.

Praiers said. Rolls called. Minutes read. Proceeded to the Act for Security of the Kingdom; and to the Motion excluding Englishmen and strangers, that are noblemen of Scotland, from sitting in that Meeting of the Estates; this much debated and opposed, but being put to the vote, was carried by 17 votes. Then Salton gave in an Oath to be taken by the Members of that Meeting, To maintain and defend the Protestant Religion, contained in the Scriptures of the Old and New Testament, as the only rule of faith, and to maintain and defend the Claim of Right. This reasoned, and many appeared against it; and then it came to the vote, Proceed or Delay. The Court party, which appeared at first for a Delay, perceiving the pulse of the House, urged for proceeding; and being voted, it carried Proceed. Then they proceeded and reasoned further upon it, and a vote moved, Approve the Oath, (this amendment being made, The Protestant Religion now professed in this land); and it being late, moved, The debate be adjourned till next Meeting of Parliament. It was alledged, this was against the vote of proceeding. It was answered, they had made some progress in debating, though not yet ripe for a vote. The L. Register most happily moved, To

delay the confideration of the Oath till all the articles of the Act were gone throw ; which was gone into.

The Parliament adjourned till tomorrow at 10 a clock. Prayers said. Several Proteftations to be found in the Minutes.

27.—WEDNESDAY, JULY 7.

Praiers said. Rolls called. Minutes read. Proceeded to the Act, and moved, That now they should go to the Limitations of the Succellor ; and carried to go to them. The E. of Rothefs gave in the motion for an Act formerly given in by him, to be added as a claufe to this Act, concerning the putting the power of peace and war in the hands of the Parliament. Salton had a long harangue, perfwading to the making of this law. The D. of H. had another, instanceing, how in Edward the 3<sup>d</sup>. of England's time, he being likewise King of France, a law was made to the fame purpose. Several others discourfed to the fame purpose ; others opposed the bringing it into this Act. The Commiffioner said, he was ready to consent to any thing for the good of the Nation that the Queen had under her view when he came from her ; but as to this, he thought it was not then under her confideration. Salton had said, that our Kings, fince the Union of the Crowns, were under the influence of Englifh counfells, and it appeared to be fo from what the Commiffioner had fpoke. Upon this, thofe about the Throne got up and said he deferved to be cenfured ; others cried To the Bar. The D. of H. and a great many cried, What ! was this the liberty of Parliament ? Had not Members freedom to fpeak out ? So there was a great hubbub for fome time ; then, when the Houfe was calmed, proceeded in the debate, till it was moved to put it to the queftion, Add the claufe or Not. Others ftated the vote, If any Limitations fhould be brought into this Act or Not. So, the firft queftion was, Which of thefe two fhould be the queftion, 1<sup>st</sup> or 2<sup>d</sup> ; and carried 2<sup>d</sup> : and then the queftion was moved, If any limitations fhould be brought into this Act or Not : carried Not.

The Parliament adjourned till Friday next at 10 a clock. Praiers said.

28.—FRIDAY, JULY 9.

Praiers said. Rolls called. Minutes of the last and former Sederunt read, and several persons' names added, who adhered to the Protestations taken. Moved by the E. of Marchmont, That the House should resolve, after the ending this Act, to proceed upon the Act about Peace and War, rejected to be put into this Act. Answered, they should proceed now to the Act, and after it was over they might proceed to what they pleased, and it were contrary to a former Resolve to enter upon any business before ending of this Act; and besides, it were contrary to a former Resolve to bring in any thing after this Act, before the discussing the Controverted Elections. Moved, That the said Act of Peace and War come in after the Elections. Moved by the Justice Clerk, It should be remitted to the Meeting of Estates. Moved by the Vis. Stairs, That the vote should be, If it should come in this Session of Parliament: by the Register, That it should come in before the Act for the Supply: by the Marquis of Annandale, That nothing should intervene before ending the Act they are now upon. There was great altercation, till at last the question came, Which of these should be the vote, viz. Resolve or Not, Proceed in the Act before entering the Resolve or Not, 1st or 2d: carried 1st. Then voted, Resolve or Not: carried Resolve be 41 votes, as I reckoned. Then proceeded in the Act to the Age of the Successor's entering on the administration, 17 or 21: carried 17.

The Parliament adjourned till Munday at 10 a clock. Praiers said.

29.—MUNDAY, JULY 12.

Praiers said. Rolls called. Minutes read. The Lord Blantyre received and qualified. Proceeded in the Act. Agreed after long debate, That the said Meeting of Estates have power of Nominating (which word was opposed by Tarbat, &c.) and declaring the Successor.

The Parliament adjourned till Wednesday at 10 a clock. Praiers said.

30.—WEDNESDAY, JULY 14.

Praiers said. Rolls called. Minutes read. Proceeded in the Act: And after debate, Whether the said Meeting should have power to order the succession: and it being rejected, the clause was moved to be, To nominate the successor and the heirs of his body, and no further; but that was let fall, feing they could not proceed any further by the power given. Then moved, The Successor to be nominate be of the royal line. This opposed by Salton; but agreed to, and that he should be of the Protestant religion. Some moved, That the word True be added; others, That he should be of the Religion professed in this Kingdom; others, That he should be of the Communion of this church; others, that we should rest on the Coronation Oath: so the question was put, Add that clause or Rest on the Coronation Oath: voted and carried, Rest on the Coronation Oath.

The Parliament adjourned till Friday next 10 a clock. Prayers said.

31.—FRIDAY, JULY 16.

Praiers said. Rolls called. Minutes read. Proceeded in the Act for Security. Read over the whole, so far as agreed to. The E. of Roxburgh gave in a further clause to be added to the Act, Providing allwise that the same be not the Successor to the Crown of England, unless that in this Session of Parliament there be such condition of government settled and enacted as may secure the honour and independency of the Crown of this kingdom, the freedom, frequency, and power of the Parliament, and the religion, liberty, and trade of the Nation, from the English or any forreign influence. This being several times read over, it was alledged, To add this clause were in effect to act contrary to a vote, that no Limitations on the Successor should be brought into this Act. It was answered, This was a Limitation on the Meeting of the Estates, not on the Successor; and feing the Par-

liament thought fitt not to limit the Successor, it was not incongruous to secure against an English successor, in case there be no Limitations this Parliament. It was said, this were to bind up another Parliament or Meeting of Estates from Limitations. And it was moved, That these words be added, Or any other Session of this Parliament, or any other Parliament, or the Meeting of Estates. The E. of Marchmont moved, in like terms with this addition, That the limitations of other Parliaments, or Meeting of Estates, be consistent with these to be made now, and the Claim of Right. The Marquiss of Atholl declared himself for Limitations. After long debate, moved, Add the clause or Not ; others, Proceed to the consideration of the clause : and being put to the vote, carryed (as I counted, by 17, the clerks marked only 7,) Proceed. So moved it might be voted, Add the clause. Others said, the vote was only to proceed to the consideration of it ; and after some discourse upon the clause, additions from other draughts, as the Advocate's, E. of Marchmont's, moved to be added. Salton moved, It might be put to the vote, Add the clause or Not ; and as he was speaking, the Chancellor told it was late, and therefore the Commissioner adjourned the Parliament till Tuesday at 10 a clock. Then there was a great cry and hubbub, the Privilege of Parliament and Claim of Right was encroached upon ; and the D. of Hamilton, the E. of Rothes, Marquiss of Tweddal, &c., took a Protest thereon, and many adhered, and said they would address the Queen ; and the House being called, prayers were said, and the D. of H. said they would sit still and draw their Address ; but afterward, on second thoughts, when the Commissioner was come out they came out, and went to Pat. Steil's.

32.—TUESDAY, JULY 20.

Prayers said. Rolls called. Minutes read. Moved, That the Protestation made last night upon the Irregular Adjournment be insert in the Minutes. The Chancellour said, There was no intention thereby to incroach upon the Privileges of the House, but it being past 8 a clock, many of the members



out, many weary and calling for a Delay, it was thought fitt to adjourn, not to hinder the Debate, but in order to its being reassumed this day. It was said on the other hand, They intended nothing by the Protestation, but to preserve the Privileges of the House, and they were content to make no more ado, if their Protestation were marked. So several discourses were to this purpose on either side, and several motions for accommodation ; but none were agreed to for a long time. Some had desired their Protestation should be in the last dayes Minutes ; but this was said could not be, being after the Adjournment ; others moved, They might be marked in this dayes Minutes. Salton drew a Protestation, That the adjourned last Sederunt was illegal, and craved it might be marked ; and in case it were not marked, protested, That that was an encroachment on the libertie of the Parliament. So it came to be moved by some, the question might be, If the Protestation was Legal or Not ; by others, If the Adjournment was Legal or Not. But these votes were opposed by others, seing, *cuiuslibet licet protestare*, and it wanted president not to mark a Protestation ; and if it was unwarrantable, the ingiver was liable to the censure of the House.

My Ld. Phefdoe had made a motion, and which was backed by my Ld. Fountainhall, which was at first neglected ; but when it grew late was again moved by M. L. Fountainhall, and acquiesced to by the House, as will be found *in terminis* in the printed Minutes.

The Parliament adjourned till tomorrow at 10 a clock. Praiers said. The motion was happy, and prevented the ill consequences of a vote, whatever had been carried.

### 33.—WEDNESDAY, JULY 21.

Praiers said. Rolls called. Minutes read. Proceeded in consideration of the Act, having read over so far as was agreed to. Then proceeded to the consideration of the E. of Roxburgh's clause ; and the Q. Advocate gave in a clause, That the successors to the Crown of England be not nominate King or Queen of Scotland, unless there be a Communication of trade with

England agreed to, Freedom of navigation, and Trading with their plantations, &c., as shall be satisfying at the sight of the Parliament of Scotland. This was alledged to be given to divert the other; and after long debate, till after 10, moved, That both should be put together; and moved, The question be Both or No. Others moved To delay, and that the question be Proceed or Delay. So the question was stated, Which of these should be the question, 1st or 2d: carried be 3 the 2d. Then voted, Proceed or Delay: carried, Delay. But in the midst of the question, the L. Advocate sitting at the Clerk's table, Sir Thomas Burnet moved, He should go to the throne to his seat; and after some talk he went. Then the E. of Morton moved, That the orders of the House be observed as to sitting on the throne; and he said, he saw his own brother sitting there, he desired he might go to another seat; which he and Mr. Francis Montgomery did. Then the Commissioner desired others also might be removed from the throne, who had not privilege to sit there. Salton sitting there said, he thought he was meant thereby, but, there having been a change in the form of the House, he knew not where to sit, and having sitten there since the beginning of the Parliament, he would not remove without a vote of the House. Some moved To delay that debate till next Sederunt; but the Commissioner urged the E. of Marschall might presently obey the orders. Then he desired Salton to remove, which he did. Sir Thom. Burnet began to speak, and said, seeing Salton had obeyed My Lord Commissioner and the E. of Marschall's orders, (No, said Salton, the E. of Marschall's only,) that the Commissioners from Edinburgh should not have the privilege of chairs in the area. Some moved To proceed to the Regulations of the House; voted, Whether to proceed to the Regulations of the House or To the Act: carried, To the Act. So proceeded as said.

Praiers said. Parliament adjourned till Friday at 10 a clock.

#### 34.—FRIDAY, JULY 23.

Praiers said. Rolls called. Minutes read. The E. of Roxburgh gave in his clause, with addition of the Advocate's clause, and leaving out the

word Independency. The Advocate gave in his clause, with addition of the E. of Roxburgh's clause, with some alterations of words, and this variation in the matter, " Unless there be such conditions of government made in this or any other Session of this or any other Parliament during the Queen's reign, or in the Meeting of Estates." So it was reasoned prettily calmly a long time Which of the clauses; and it was alledged they were all one. Moved then, That the vote should be, Add the E. of Roxburgh's clause or Not; others, Add the Advocate's. So the House fell in jangling which of the two should be the vote, till D. Ham. moved, Proceed or Delay. Some said, it was not fitt now to delay, after the House had been three days in consideration of the Clause. Others said, no wonder they proceeded slowly, when they mett not till 4 a clock. The Chancellour said, they could not meet sooner, because of the sitting of the Session. The E. of Marchmont moved The adjourning of the Session. D. Hamilton and severals others Seconded that motion, and so there was a stir about that; and when it was let fall, they returned to What shall be the vote. Some moved, Proceed or Delay. Moved by the Chancellour, That should be the previous vote; and if it carried Proceed, then immediately to proceed to the other two Which of them should be the vote. This, after some debate, acquiesced to; and carried Delay.

The Parliament adjourned till Munday at 10 a clock. Praiers said.

### 35.—MUNDAY, JULY 26.

Praiers said. Rolls called. Minutes read. Proceeded to the consideration of the Clauses given in by the E. of Roxburgh and by the L. Advocate. Voted, Which of them to be considered: carried the First, which consisted of two clauses; one general, acquiesced to, with an Amendment (which without a vote was acquiesced to); the other, in particular, as to Trade, and without much reasoning, was voted and carried by about 70 votes. This all the Jacobites went in to but the E. of Kincarden and the Marquiss of

Annandale protested against ; as also adhered the E. of Marchmont, Sir Gilbert Eliot, Dowglas of Cavers, Sir Patrick Johnston, &c.

36.—WEDNESDAY, JULY 28.

Praiers said. Rolls called. Minutes read, in which the Marquis of Annandale's Protest was insert at length, bearing to be, That it should be but prejudice to a successor of the Protestant line, and to any succeeding Session of Parliament, or the Meeting of Estates, &c. This was taken notice of, as amplified beyond what was said, and as contrary to a vote of Parliament. To this purpose spoke Salton, Belhaven, Sir Th. Burnet, D. Ham. Belhaven moved The Delaying to insert it in the Minutes. The Marquis of Annandale said, it was in the very words he had given it in ; and then he said he would give it in in writing. The D. of Argyle, E. of Crawford, Sir Gilbert Eliot, Cavers, &c., adhered to it. The E. of Marchmont said, If that part of it relating to the first part of the Clause, which was acquiesced to before the Protestation was made, had been left out, and the other part, as to the last Member, had received a small amendment, he would have adhered to it, and he believes a great many more. However, as it was, the E. of Melvil and Leven also adhered to it. Some were for inserting it in general terms. The L. Advocate said, That a protestation was properly a dissent, and the protestation the taking of witnesses thereof and instruments that the dissenter should not be esteemed a consenter. Viscount Tarbat cited a printed Act, bearing the Laird of Tillibarden to have protested in name of the Barons, after passing of an Act. After a struggle of several hours, it was Agreed, that the Protestation be marked in the Minutes in general terms.

Then proceeded in the Act, That the meeting of Estates should not after their meeting for some time name a Successor ; the Clause moved, Not for 10 days, others not for 15, others not for 20, others not for 30, others not for 60. So it was moved The vote should be 20 or 30 ; others that it should be 30 or 60. Then the vote was First or Second : carried First.

Then the vote flated 20 or 30 dayes : carried 20. Then moved, If there should be a time betwixt and which they should Name a Successor ; but this not determined.

The Parliament adjourned till Friday next at 10 a clock. Praiers said.

37.—FRIDAY, JULY 30.

Praiers said. Rolls called. Minutes read. The Chancellour told the Parliament he had something to propose that was not to the purpose of the Act, but would take up but a little time and required dispatch, which was an Address of the Commission of the General Assembly, with the reasons of a Fast, that the Parliament might interpose their civil authority. The Act of the Commission, containing the reasons of the Fast, with the day blank, was read, and Sir David Cunninghame appeared against it, and said, they had already appointed the day, he knew not how far their intrinsic power carried them, &c. The E. of Abardene, Mr. Ro. Frazer also, and (I thought) Sir Patrick Home. The L. Advocate took the defence of it. The E. of Marchmont was for passing an Act ; others thought an Ordinance of Parliament sufficient. Agreed in end, that it pass as an Ordinance ; some was for remitting it to the Council.

Then proceeded to the Act, In whose hands the Government should be till the Estates should meet. Some were for the Council ; but this was much opposed, as most dangerous, seing by the English influence, the Queen might nominate Englishmen, or such as should easily be influenced. Others were for such of the Estates as should meet, being 9 of every Estate ; but this was opposed as uncertain who they should be. Others were for the Council, in conjunction with such of the Estates as should come in. The vote stated, The Council or the Estates. Others stated, The Council in conjunction with the Estates, or The Estates alone. Voted, Which of the two should be the vote, 1st or 2d : carried the 2d by the Chancellour's vote. Then the 2d being put to the vote : carried, the Council in conjunction with the Estates, be 2.

The Parliament adjourned till Munday at 10 a clock. Prayers said. Some other matters and protestations to be seen in the Minutes.

### 38.—MUNDAY, AUG. 2.

Praiers said. Rolls called. Minutes read, and the Protestation by Watson of Eithernie to be amended against next Sederunt.

The Commissioner told the Parliament, that by reason of the Convention of Burrows at Glasgow, there were several members absent, and the Parliament was now upon great and weighty affairs, so that he wisht the Parliament as full as might be; therefore he in the Queen's name adjourned the Parliament till Saturday next at 10 a clock. Prayers said.

### 39.—SATURDAY, AUG. 7.

Praiers said. Rolls called. Minutes read. There was a considerable time spent in adjusting the Clause to the last vote; and indeed it is adjusted in other terms than appears by the vote, as will be seen by the words thereof to be put in the Minutes, viz. Minutes, Friday, July 30. Then a clause was given in by George Home of Whytford, and afterwards by Sir Patrick Home, That none having commissions during pleasure, such as Officers of State, President of the Council, Commissioners of Treasury or Exchequer, and all other commissions during pleasure, to cease by the Queen's death, except commissions to Sherriffs and Stewartries. Moved, This clause be added. Others, That Officers of State their commissions cease, then that this be the vote. So voted Which of the two should be the vote, 1st or 2d; and carried 1st be 14 votes. Then voted, Add the clause or Not: carried Add by a great plurality.

The Parliament adjourned till Tuesday next at 10 a clock. Praiers said.

Salton began Discourse this day with a complaint of the delays, the design whereof was to make Parliaments burdensome. Seconded by the D. of Hamilton.

## 40.—TUESDAY, AUG. 10.

Praiers said. Rolls called. Minutes read. Proceeded in the Act for Security, as will be found in the Minutes, which I forgott to fet down in due time.

Parliament adjourned till tomorrow at 10 a clock. Prayers said.

## 41.—WEDNESDAY, AUG. 11.

Praiers said. Rolls called. Minutes read. A complaint exhibite first by word, then in writing, [by her Majesty's Advocate] against the Lord Blantyre, That having this morning come to his lordship's lodgings, he did in prefence of several persons ask the Advocate If his lordship had discharged or advised the Baillie of Leith to deny Blantyre as Admiral-depute, (put in by the D. of Lennox,) their Tolbuith to hold his court in. The Advocate answered, whatever was in that, he thought the D. of Lennox having been so long out of possession, and the late King and the now Queen having been in possession, the Duke might have made a leg to the Queen before he had granted any commissions to inferiour officers; and that he had letters from the D. of Queensberry, as secretary, and the Earl of Seafield, when he was secretary, bearing, that the D. of Lennox had promised to the Queen not to put in any officers till he acquainted her Majestie. Blantyre said the D. of Queensberry was a base and impudent liar. The Advocate answered, those were high words of the Queen's commissioner. He replied, he said it not of the Queen's commissioner, but of the D. of Queensberrie. The Advocate said, that being said in his presence in the station he was in, he required the persons present witnesses, (being Mr. Rob<sup>t</sup>. Forbess, James Grahame Advocate, and Hugh Cunninghame,) and told he behoved to [have it] represented, and that Blantyre repete the same over again. Blantyre being out of the House, it was moved He should be sent to prison. Every one that spoke, spoke with detestation of the words; but it was alledged,

that by the Act for Personal Liberty, he might find bail ; it was alledged that the [words] reflected on the Queen, and of a very high nature. The E. of Lauderdale called it treason, but none did second that ; all said it was *Injuria atrocissima*. Some moved, the vote might be Allow him to find bail, or Send him first to prison ; others, Send him to prison, unless he find bail. In the mean time he came in, and at first, offered Swinton and Jerviswood bail for him ; but afterwards, by advice of the President and his other friends, he offered to put himself in the Lord Constable's hands ; whereupon the Constable put him under arrest in his own chamber.

Then the Parliament proceeded to the Act, and settled the Clause about the officers of the army ; and came to the last clause rescissory, and the question moved To rescind the Act 2. 1681 anent the succession to the Crown. Some thought it sufficient to have it rescinded in general, under the clause " rescinding all Acts contrary to this Act." Others moved The vote might be rescind it *simpliciter*, or in so far as inconsistent with this Act. At length moved by My Lord Whytelaw, The vote might be Rescind it Expressly or in General ; and the vote being put, it was equal, and the Chancellour did cast it, and voted Generally. Some alledge the votes were not right marked, and moved it might be voted over again ; but that was let fall. Moved To proceed in the Act to vote the whole ; but it was voted Proceed or Delay : carried Delay.

The Parliament adjourned till Friday next at 10 a clock. Prayers said.

#### 42.—FRIDAY, AUG. 13.

Praiers said. Rolls called. Minutes read. A Clause moved to be added, That it was hereby declared, that the Lords of Session and Commissioners of Justiciary continue *ad vitam vel ad culpam* ; but let fall, the Chancellour and Advocate not being favourable to it. Then proceeded and voted the whole Act, after it was twice read over, and it was approved be about 59 or 60 votes, and many *non liquets*.



Then fell on the Lord Blantyre's business; and the matter being adjusted, and he having given in a petition, acknowledging his undecent and unbecoming expressions, and craving pardon of the Commissioner and House, and submitting to their further censure; they ordered him to be called in, and on his knee to crave pardon, and fined him in 5000 pound Scots, to be granted band for, before his liberation; and he being come in, and the sentence intimate, the Commissioner dispensed with the knee, and he craved pardon.

The Parliament adjourned till Munday at 10 a clock. Praiers said.

43.—MUNDAY, AUG. 16.

Praiers said. Rolls called. Minutes read. Moved To read the Act for Peace and War, that it may have A first reading, and nothing to be said to it. But this being alledged to be contrary to the Resolve, it was let fall.

Then the Controverted Election of Orkney, between Eagleshaw and Breaknefs called, and Advocates heard; and the debate being let fall, Eagleshaw was admitted. Then called the Controverted Election for the town of Hadington, between Proveft M'Calla and Edgar, late proveft; and, after some debate, Proveft Edgar was admitted, by the vote of the House.

The Parliament adjourned till tomorrow at 10 a clock. Praiers said.

44.—TUESDAY, AUG. 17.

Praiers said. Rolls called. Minutes read. Mr. Ofwald received Commissioner for Kircaldie, without opposition of his competitor, Mr Boswall, who has withdrawn his commission, for whom the E. of Leven had appeared very much. The debate of the Controverted Election for Arbroth was heard, and the question was Receive or Remitt. Hutchison carried Receive. His competitor was Proveft Steven.

The Act about Peace and War received A first reading, and so marked.

The Parliament adjourned till tomorrow at 10 a clock. Prayers said.

## 45.—WEDNESDAY, AUG. 18.

Praiers said. Rolls called. Minutes read. Moved The reading a Petition for an Englishman imprisoned by my Lord Advocate's order; but few or none having gotten copies, not the Chancellour, it was let fall.

Proceeded to the consideration of the Overture for Peace and War. The House seemed to acquiesce to leave out the Narrative, and to the statutory part a Clause proposed to be added, Declaring it to be lawfull to proclaim war, in case of intestine commotion or invasion, against the invaders and those who gave them commission; this by Sir J. Arskine. Then moved by D. of Ham., To keep the Narrative. The question put, Proceed to the consideration of the Narrative or of the Clause: carried, To the clause be 29. Then it was acquiesced the Clause should be added. Agreed as to the making of War, Not to be without consent of Parliament: But as to Peace, and entering into Treaties for it, it was alledged to be unpracticable; and, on the other side, that if it were not so, there might be alliances or treaties of peace, wherein there might be an article for a league offensive and defensive, which would enervate this Act. The case being difficult and momentous, moved The debate might be adjourned; which all went in to, and the Parliament was adjourned till tomorrow at 10 a clock. Prayers said.

## 46.—THURSDAY, AUG. 19.

Praiers said. Rolls called. Minutes read. Proceeded in the Act, and spoke to the point of Peace. A clause given in by the E. of Marchmont, That peace be made by the Privy Council to be named by the Parliament. Another by young Pitmedden, and voted, Approve of the Act as brought in, or Add the clause by Pitmedden, to which the Court went in: carried, Add the clause. A clause given in by the Marquiss of Tweddal; but being now [late] moved To adjourn. So the Parliament was adjourned till tomorrow at 10 a clock. Prayers said.

## 47.—FRIDAY, AUG. 20.

Praiers said. Rolls called. Minutes read. Remits to the printed Minutes.

Parliament adjourned till Munday next.

## 48.—MUNDAY, AUG. 23.

Praiers said. Rolls called. Minutes read. Remits to the Minutes printed.

Adjourned till Wednesday. The commission for Public Accounts past.

## 49.—WEDNESDAY, AUG. 25.

Praiers said. Rolls called. Minutes read. Remits to the Minutes. Chosen the Commissioners for public Accounts, 5 of each Estate.

Proposed to proceed in the Limitations of a Successor; but by a vote carried To proceed to the business of Trade. And a great many Overtures read.

Adjourned till Friday next. Praiers said.

## 50.—FRIDAY, AUG. 27.

Praiers said. Rolls called. Minutes read. Read the Act for the African Company, and marked A first reading; also, Discharging Importation of Irish victual, &c., marked A first reading; but not to come again till it be printed, and till the Sederunt after the next.

Act for rescinding the Act against French Wine, &c., moved; and another Act by Pittmedden for the drawbacks. A long time spent on the Wine Act, if it should be marked A first reading; and after 8 the vote stated, Proceed or Delay: carried, Proceed, and marked A first reading.

Parliament adjourned till Munday. Praiers said.

## 51.—MONDAY, AUG. 30.

Praiers said. Rolls called. Minutes read. The Act in favours of the African Company past. The Petition be Pat. Steil being read, and the cause called, none compeared ; so a protection granted for a year.

## 52.—TUESDAY, AUG. 31.

Praiers said. Rolls called. Minutes read. Proceeded to the Act against Importation of Irish victual, and after much debate and several amendments, voted and past.

Parliament adjourned till tomorrow at 10 a clock. Prayers said 9-10.

## 53.—WEDNESDAY, SEPT. 1.

Praiers said, &c. Act in favours of Mr. Will. Black, Advocate, for a Manufacture, allowing the Commissioners of Supply to lay on the Shire 1000 pounds from year to year, for maintenance of 16 boys out of the 8 presbyteries of the shire of Aberdene, he counting yearly to the Commissioners.

Proceeded to the Act for preventing Exportation of Wool, but not ended. Parliament adjourned till tomorrow. Praiers said.

## 54.—THURSDAY, SEPT. 2.

Praiers said. Rolls called, &c. Proceeded to the Act prohibiting Exportation of English and Irish Wool, which was voted and agreed to. Then moved a [clause] be added, allowing the Exportation of Skins and Wool on them. The M. of Annandale, Viscount Stair, L. Register, Cavers, Sir Gilbert Eliot, were very fervid in this ; yet the E. of Roxburgh, Marchmont, Sir Jo. Home, Sir Pat. Home, &c., were much against it : but Sir Th. Burnet was also against it at an unaccountable rate. It being voted, Exportation was allowed till next Session of Parliament be 1 vote. Then D. Ham. proposed there might be an additional duty upon it, and L. Blantyre, that re-

gulations be put on the way of Export. Some moved This might be delayed ; and that the vote might be, Proceed or Delay. Others, That the Act might be Approven, and that the vote might be Approve or Not ; so it was voted Which should be the vote, First or Second : carried First be 3 or 4. Then Proceed or Delay : carried Delay.

Praiers said. Parliament adjourned till tomorrow.

55.—FRIDAY, SEPT. 3.

Praiers said. Rolls called. Minutes read. Proceeded on the Wool Act. Voted the first clause. Debated, If a clause for Exportation of Skins with wool on them should be added, and being voted last Sederunt, was carried ; now a clause for restricting thereof. Moved, That there be ports at which only they should be exported ; and agreed on them, which were by votes determined to be Borrowstownness, Newport, Glasgow and Drumbries.

Parliament adjourned till Munday at 10. Praiers said.

56.—MUNDAY, SEPT. 6.

Praiers said. Rolls called. Minutes read. This day the Parliament should have proceeded to private business, but the E. of Marchmont gave in a paper to be read before I came in. I knew not what the import of it was, but he took it up after it was read, and gave in another, which he desired might be read ; and after it was begun to be read, the D. of Hamilton interrupted it ; and there was a great struggle about reading it, when I came in. At last, Sir Th. Burnet and others agreed it should be read, but he declared it was providing it were not marked in the Minutes. The import of the Overture is for an Act, declaring Princess Sophia, Dowager of Hanover, to succeed to the Crown, failing heirs of the Queen's body, upon several weighty conditions relating to the votes already past. The occasion, I conceive, of offering it was, because the Commissioner says the Queen has instructed him not to touch the Act of Security voted, especially be-

cause of the clause in it about Communication of Trade, and that of Arming the Country ; the last whereof is here left out, the other smoothed, that the successor shall endeavour to procure a communication. When the Overture was read, Sir Th. B. desired it might not be marked ; and when others said It might be read, Grant, Houston, Lufs, craved a vote, Mark or Reject. Carnwath cried often, Mark or Burn ; others were for Mark or Not. The Chancellor was for Mark or Reject. Pheldoe, with an extraordinary fervour, spoke against it five times. At last it was voted, Mark or Not : carried Not. Then proceeded to some Petitions.

Parliament adjourned till tomorrow at 10 a clock.

This Overture was condemned by many for the matter of it, by others for the unseasonableness, and not communicating it with any, and has given a great dash to the interest of Hanover and [the] Protestant cause. The L. Privy Seal, Secretary, &c., were against marking.

#### 57.—TUESDAY, SEPT. 7.

Praiers said. Rolls called. Minutes read. The Parliament proceeded to some Petitions. Then called Ker of Moriston c. Sir Ja. Cokeburn. The parties' Advocates being heard, it was moved To remitt the process to the Session, and in end agreed, it be remitted with a Parliamentary power.

Then the E. of Home's process c. Sir Patrick Home, for not insisting in his Protestation for remedy of law, called Sir Patrick alledged No process, because he had not seen the process. It was answered, there was an out-giving upon the process, and it was given to some of Sir Patrick's servants, but it was given back to Coldinknow's servant without a return. This was denied by Sir Patrick. Then it was craved for the Earl, that now he might, conform to the Act of Regulations, 1672, art. 10., have protestation for not insisting, seeing Sir Patrick had cited the Earl to a day now past. It was answered, the Earl should give in his copy. So Sir Patrick was ordered to be ready to insist the next day for private business.

Then moved the next day should be for private businefs. The D. of Ham. moved it might be for publick businefs, and the vote was put, Whether it should be for Public or Private Businefs : carried for Publick.

The Parliament adjourned till Thursday next. Prayers said.

58.—THURSDAY, SEPT. 9.

Praiers said. Rolls called. Minutes read. Moved, The Commiffioner would be pleased to touch the Act of Security, or declare what may be expected. This was much urged, but he was filent. Others moved To proceed to the Act about the Wool, which being voted, was Approven ; and the Parliament adjourned till tomorrow at 10 a clock. Prayers said.

59.—FRIDAY, SEPT. 10.

Praiers said. Rolls called. Minutes read. The Commiffioner had a fpeech, showing he had instructions from her Majesty to touch all the Acts pafst this Seffion, except the Act for Security ; and he defired the Parliament might proceed to provide for the fecurity of the Kingdom and fupport of the Government, with all fpeed. Moved by the D. of Ham., E. of Roxburgh, &c., That an Addrefs be made to the Queen to give orders to touch the Act ; this was much infifted on. Others moved (as the E. of Marchmont, &c.,) That her Majesty's Commiffioner would be pleased to intimate what was difpleafing therein, that it might be helped. In end, fome said, If any Scots man had given that advice, he was a traitor to his country. In end the vote moved, Addrefs, or Proceed to other Businefs : carried, Proceed to other businefs be 12 votes.

The Parliament adjourned till Munday next at 10 a clock. Prayers said.

60.—MUNDAY, SEPT. 13.

Praiers said. Rolls called. Minutes read. Moved, To proceed to the

Limitation Act given in the other day by Salton. After some debate, it was read, and the vote stated, Proceed to that Act or other Buſineſs : carried To other Buſineſs by 12. Then moved, To proceed to the Wine Act ; and after long debate, and offers of ſeveral claſes, the Firſt claſe thereof was voted and Approven be 25, allowing the Importation of all forreign wines, and other liquors. The Marquiſs of Twedale gave in a Proteſtation, before voting againſt the Act, to which a great many adhered, which will be put in the Minutes.

Parliament adjourned till tomorrow at 10 a clock. Prayers ſaid.

#### 61.—TUESDAY, SEPT. 14.

Praiers ſaid. Rolls called. Minutes read. Proceeded to the Wine Act. Moved by young Ormſton, That all noblemen, gentlemen, and heritors, be allowed to bring in wine free of cuſtom, exciſe, and all other duty on the product of this Kingdom. Moved by the Secretary, That noblemen and barons be allowed to import wine free of cuſtom, as formerly ; which was aſſented unto, and then he tore it. The E. Marſhal moved the ſame. The E. of Marchmont moved this claſe, Reſerving to the noblemen and barons of this Kingdom their ancient privilege, conform to A. 251. Parl<sup>t</sup>. 15. Jam. 6. Ormſton made an amendment on his Overture, and the queſtion, after long debate was put, Whether Ormſton's Overture or Marchmont's ſhould be added, under the names of 1ſt or 2d : carried 2d by        votes. Then a claſe was moved be Salton, That all who had a direct correſpondence or trade with France, ſhould forfeit their wine to the diſcoverer ; and he enforced the claſe by offering to prove, that there is a ſhip juſt now arrived with wine from France. Others moved, Approve the Act. He and others moved, Add the claſe ; others, Approve the claſe, or Add other claſes. And it was alledged, there was a claſe in the Act already declaring this Act did not allow of a correſpondence with France ; and it was moved, Allow of that claſe of the Act, or of Salton's claſe. After much debate it



was moved, Allow of the Act without either of the clauses ; which being agried to, the Act was voted and Approven be 32 votes.

The Parliament adjourned till tomorrow at 10 a clock. Prayers said.

62.—WEDNESDAY, SEPT. 15.

Praiers said. Rolls called. Minutes read. Salton moved his Overture might be read and marked A first reading. After some reasoning, Moved by the Ld. Boyl, That the Overture for the supply given in by the E. of Home long since, might be marked A 1st reading. Salton desired to be allowed to speak to his Act ; and he had a long and learned discourse, shewing, that even in China, where the king is most absolute, no offices were conferred but by the recommendation of several councils, &c. The Visc. Stairs answered. Then the Chancellour answered very prettily out of Father le Chefé ; and there were many Debates Which of the two should receive A 1st reading. But the Marquifs of Montrose moved That the question might be, That the House proceed to their Liberty before granting any supply. Then my Ld. Phefdoe moved, That for three Sederunts the Parliament should go upon Overtures for securing our Liberty, and then to proceed to the Cefs ; which at first [was] applauded, and thereafter repudiat by many ; and the House was long in debate, and much clamour by many. In end, after 9 a clock, Resolved, The House should next Sederunt be upon liberty.

The Parliament adjourned till tomorrow at 10 a clock. Praiers said.

63.—THURSDAY, SEPT. 16.

Praiers said. Rolls called. Minutes read. The Commiffioner called for the Acts passed this Session of Parliament, and touched them ; and then had a discourse, shewing, That it might have been expected this Parliament would have proceeded to secure the nation by granting a supply to her Majesty, but there being soe much time spent, it was fitt they had a short recess ; therefore ordained the Chancellour to Adjourn the Parliament, and

the Chancellour did adjourn it, and declared it to be adjourned untill the 12 October next. Prayers said.

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1704.

## SECOND SESSION.

The Parliament being several times adjourned, and the Queen having named the Marquifs of Tweddal her Commiffioner, which character he has born fince 1. June, 1704; it was at laft adjourned to July 6, 1704.

### 1 —THURSDAY, JULY 6, 1704.

Betwixt 12 and 1 the Parliament met.

Prayers faid by Mr Dav. Blair. The Queen's Commiffion to the Marquifs of Tweddal read by the Regifter. The Lord Register's Commiffion read, and he qualified. Patents read for the D. of Douglas, D. of Athole, E. of Cromarty, E. of Stair, E. of Glasgou, E. of Rofeberry, E. of Bute, E. of Hopton, Vifcount Garnock, Vifcount Primrofe. The D. of Argyle, and the new Earles and Vifcounts qualified. Some Members qualified.

Rolls called. Warrant for Electing in Mid-Lothian, in place of Sir James Primerofe, on Tuefday next; in Weft-Lothian, in place of Hopetoun, on Tuefday come 7 night; as alfo the fame day for Bute, in place of the Sheriff of Bute; and Wednefday come 7 night for the fhire of Air, in place of Kilbirnie. All thefe being promoted, the Commiffioner told there were many Members not yet come up; and therefore the Parliament was adjourned till Tuefday next. Prayers faid. Came out 2-3.

### 2.—TUESDAY, JULY 11.

Praiers faid. Rolls called. Moved by the D. of Argyle, the Lord Hal-

liroodhoufe be received. It was alledged, the Ld. Halliroodhoufe name was out of the Rolls of Parliament thefe many years, above 60. Concluded, that the Queen's Lawers take in his pretentions and report to the Parliament, that if need bees, a Committee be appointed for further inquiry.

The Queen's Letter twice read. The Commiffioner and the Chancellour read their speeches, as alfo the Secretary read a fpeech. Moved, The Queen's Letter, and the fpeeches be printed, and agreed to.

The Orders of the Houfe read. An Overture given in be young Pit-medden. Refolved, That the Parliament will defend the Queen's perfon and government, that there be no nomination of the Succeffor to the Crown this Seffion of Parliament, and will refolve upon conditions of Government, to take effect after her Majefty's death, &c.

Moved by the Chancellour, The Seffion be Adjourned ; and Salton feemed to oppofe it, and Sir Dav. Cunninghame and Sir Dav. Dalrymple. The Prefident of the Seffion faid, that the laft Parliament the Seffion was not adjourned, becaufe people were come to town about their bufinefs, but now the Seffion was near a clofe ; that the Lords were ready to continue in their duty, but alfo ready to fubmitt to the Parliament. After fome difcourfe by the E. of Marchmont and L. Belhaven, &c., an Act was read for Adjourning the Seffion ; and marked A 1ft reading.

The Chancellour advertifed the Members, that the Commiffioner was refolved to be punctual in the time of meeting, and adjourned the Parliament till Thursday next, at 10 a clock. Praiers faid.

### 3.—THURSDAY, JULY 13, ABOUT 11.

Prayers faid. Rolls called. Minutes read. Act for Adjourning the Seffion to the 1. Nov<sup>r</sup>. read, voted, and approven. A Petition againft the Election of a Member for the Stewartry of Kircudbright read, and Lawers heard upon it. The objection was, that the principall Stewart was out of the kingdom. There were two Stewart-deputes, the one of 18 the other

of 10 parishes. He of the 10 parishes was dead, and the other had called the freeholders of the whole Stewartry together to elect in stead of Murray of Broughton deceased; and severals of those of the 10 parishes, conceaving there was not a lawfull call to meet, staid away. One at the meeting Protested against the meeting, but it was after he had given his vote for one of the persons chosen. The vote was stated, Sustain the lawfulness of the meeting, or Remitt, to make a new election: carried Remitt, and orders appointed for a new election on Tuesday come fortnight.

The D. of Hamilton had a long discourse, shewing his respect and concern for the Queen's person, and interest of the nation, and how, that contrary to his own inclinations, in compliance with her Majesty, he was willing without delay to go in to what is proposed by her Majesty; in order to which he thought it was necessary to enter into the following Resolve, which he read and gave in:—Resolved, That this Parliament will not proceed to the Nomination of a Successor, untill we have had a previous treaty with England, in relation to our commerce, and other concerns with that Nation.

M. L. Marchmont had a discourse, shewing the danger of delaying a Nomination. There was a Popish Pretender, backt with the power of France, which should make us concerned in this matter.

The D. of Ham. said, he thought a Popish Successor was out of doors by the Claim of Right, and he was mistaken if it was thought he did plead for him: he would draw his sword for the Protestant religion, as soon and as readily as any durst do, and he told as security, that he was to fall from his estate, if he were himself Popish. The E. of Marchmont said, he did not say or mean the Duke was for a Popish Successor, but it could not be questioned there was a Popish Pretender. Sir Th. Burnet backed the D. of Ham., and the L. of Salton did so. The Chancellour said, it was a Motion that he would not say he wisht were withdrawn, nor whether it were good or evill, but it might ly on the table till next meeting. Withdrawn? said the Duke, He would not withdraw it; he purposed to have the sense of the

Parliament of it, and desired to proceed to the consideration of it. It was said, that they who knew of the giving it in, might have had consideration of it, but it was new to the greatest part of the Parliament, and it was of the greatest moment, and deserved the most serious and retired consideration. Sir John Home, L. Belhaven, E. of Cromarty, L. J. Cl. spoke to this purpose. It was moved by my L. Pheido, That this matter was not altogether new, there having more past in the last Session of Parliament; yet, he thought it might be delayed till the next Sederunt, providing it were then brought in first; which the D. of Ham. acquiesced to, and was agreed to by the House.

The Parliament adjourned till Munday next at 10 a clock. Prayers said.

4.—MUNDAY, JULY 17, ABOUT 11.

Prayers said. Rolls called. Minutes read. Proceeded to the consideration of the Resolve given in last day by the D. of Hamilton, to which the Duke spoke. Grubbet against it. The Duke took him up, and he made his apology. Young Pitmedden for it. L. Belhaven against it. L. Privy Seal for it. President of the Session against it. L. Secretary against it. The Justice Clerk for it. The E. of Roxburgh for it. The E. of Rothes proposed another Overture, thus,—Resolved, That this Parliament will go, in the first place, into the considerations of such conditions and regulations of Government as may be proper to rectify our constitution, and vindicate and secure the sovereignty and independence of the kingdom, and then the Parliament will take into their consideration the Resolve offered for a treaty previous to a Nomination. This was alledged contrary to the Minutes of taking the former Resolve into consideration, so a long debate was upon that. The Ld. Pheido said, this was but to trifle to bring in a new Resolve upon the former. The L. Fountainhall offered to joyn the two, and the D. of Hamilton agreed to that motion, and offered one made up of both, thus,—Resolved, The Parliament will not proceed to the nomination of a

Successor, untill we have had a previous treaty with England, in relation to commerce and other concerns with that nation, and untill the Parliament further take to consideration such termes and conditions of government as may free us from the English nation, and secure our religion, laws, and liberties. Upon this the debate run, What should be the vote. In end it resolved, Proceed to the two Resolves, Jointly or Separately ; and the Chancellour, Marchmont, Sir John Home, and others, having spoken much, the first vote was separated, Proceed to the Resolves Separately or Jointly : carried Jointly by 42. Then Approve of the Resolve Jointly or Not : carried, by many, Jointly.

The D. of Athole proposed, The Plot may be enquired into, and my Lord Commissioner was desired to crave of her Majesty, That the papers and persons concerned therein may be sent down, which his Grace promised to do. Salton, before the vote, had a long speech reflecting on the House of Peers, on their proceedings in the Plot, and commending the House of Commons. The E. of Eglington was for approving the vote ; Sir Ro<sup>t</sup>. Sinclair, Sir Jo. Swinton, Sir Patrick Home ; all of Mid-Lothian, but Arncliffe ; all of E. Lothian, but young Ormiston ; Sir Will. Ker for Teviotdale ; the two Commissioners for the Forest ; all the dependers on the D. of Queenberry ; many of the North country, even Kilarvock, Cullodon, Innes, Pheldo, &c. Cavers Dowglas, had a long discourse of a fable of the sheep and nolt.

Prayers said. Parliament adjourned till Wednesday.

##### 5.—WEDNESDAY, JULY 19.

Praiers said. Rolls called. Minutes read. The D. of Ham., E. of Marchm., L. of Grant all called to the Chancellour to be heard, all pretending to be heard as calling first ; and a long jangle there was, all three speaking at once, till the Chancellor declared, he observed Grant first up, and desired him to speak ; And he moved for a Warrant to cite the Lords of Treasury in a pro-

cess he had raised against them before the Lords of Session, which they had remitted to the Parliament, but when the Parliament came upon this, and that a petition was given in by the Earl of Sutherland and Grant, which was read representing the said matter, which was for misapplication of the Pol. 169—, and told that the Lords of the Treasury then were the Marquiss of Anandale, E. of Marchmont, Mr Francis Montgomerie, the late D. of Argyll. The Marquiss of Anandale said, the petition could not be granted, because the remitt of the Lords of Session was not produced. So they were ordered to produce the remitt next meeting of Parliament.

Then the D. of Hamilton desired to be heard, and he said he was to declare his readiness to serve the Queen, and secure the country, and offered an Act for two months' cess, and another Act for free voting, and desired they might be read; which was done.

Then the E. of Marchm. moved, That seeing the House had gone in to a Resolve not to nominate the Successor, that something might be thought upon to clear this Protestant Parliament from all suspicion of inclining to a Popish successor. Young Pitmedden said, that was done sufficiently by the Claim of Right. Then the Just. Clerk offered an Act for a supply for two years. Several of the Resolvers seem to incline to that, but it was moved and agreed to, That the Report of the Commission of Parliament for inspecting the management of the public money be given in next Sederunt.

D. Hamilton gave in this Resolve,—Resolved, That this Parliament will proceed to make such limitations and conditions of government, for the rectification of our constitution, as may secure the religion, liberty, and independence of this nation, and that they will name Commissioners to treat with England for regulating commerce and other concerns with that nation, previous to all other business, except an Act of two months' supply, first of all, to be granted for the present subsistence of her Majesties forces.

There were several other matters for which I refer to the Minutes. Prayers said 3—4. Adjourned till Friday next.

## 6.—FRIDAY, JULY 21.—About 11.

Praiers said. Rolls called. Minutes read. Marq. of Montrose gave in an Act in his favours, marked A first reading, narrating an agreement betwixt the now D. of Lennox and the Marquiss, who with consent of the Queen had purchased the few duties of Bute, &c. on certain conditions, to let the fewers have their holdings at certain prices, and the Queen to receive the Rock and all the fortifications of Dumbarton for dissolution of the said fews, &c. from the Crown.

L. Grant having given in the remitt of the Lords of Session craved a warrant to cite, which was granted after some debate.

The D. of Ham. had a discourse concerning a precept or order, by Robt. Ruchead [Rutherford] complained of last meeting by the E. of Rugland, against my L. Advocate.

The precept was thus :—“ L.133, 6s. 8d. Edinburgh, 3d May, 1704. Out of the proportion of supply due by the town and parish of Cramond, imposed by Decreet of Parliament for benefite of Trade, pay unto Sr. Jam. Stewart Her Maj. Advocate or order, the sum of L133: 6: 8d. Scots, in full of the said supply, and thir presents shall be ane sufficient discharge to you therof. Make punctual payment, under pain of quartering, conform to law, and this nowayes to recur for payment thereof upon your humble servt. R. RUTHERFORD.”

Directed thus—“ For the toun and parish of Cramond, viz. such thereof as are liable in payment of the above supply.” This was alledged to be an oppression of the subjects to quarter without a warrant of the Commissioners of the Supply, and so much the more being done by an officer of state, eminent in the knowledge of the law. The L. Advocate said, That by Decreet of Parliament the unfree traders were to relieve the Burghs Royal of 10 pounds of the 100 pounds stent for the communication of trade; that Mr. John Buchan had by a contract [with] the Burghs Royal a right thereto; that



he had uplifted by such an order 4 or 5000 pounds Sterling ; that he being debtor to S<sup>r</sup>. And. Kennedie in a 1000 pounds Scots or thereby, he offered the stent of Cramond, Libberton, and some others near by, to him for his payment : S<sup>r</sup>. Andrew Kennedie being a friend of my L. Adv. desired his name might be made use of in the order ; he answered, He did always think the Decreet of Parliament grievous, but seeing Mr. Jo. Buchan had uplifted so much already by such orders, he was content to lend his name, providing if that was ever complained of, he would recall it, and accordingly he did recall it, and did Declare he never saw that order in which his name was put, nor any other of the saids orders. [By] M. L. Phesl. it was alledged, That there could not a censure be made untill the Decreet of Parliament were considered. It was urged by D. Ham., and E. of Rugland, That at least the paper might be censured as illegal, otherwise he desired the protection of the House. S. J. H. said, That the Parliament, in its Legislative capacity, might give or make what orders they pleased ; in their Judicative, they were to consider persons with relation to things, but not to consider things simply but now there was mention of a Declarative capacity. It was said by the Chan., Aberdeen, Secretary, J. Cl., President of the Council and of the Session, &c., That the Parliament could not pass a censure without calling of parties concerned. In end, appointed Robert Rutherford and all others concerned to be cited.

The D. of Ham. Moved, his last dayes Resolve might be considered ; and read it, and offered it to the clerk, who said he had it already.

Grubet Moved for receiving the Report of the Commission about the public money, and that it be printed ; which was agreed unto as I understood.

The E. of Marchmont said, he hoped, there should have been a Draught of an Act given in by some, on his Motion [the] other day for Exclusion of a Popish pretender, but seeing it was not done, he would endeavour to have one in readiness against next day.

The D. of Ham. moved, That they might proceed to Limitations, and to

the making an Act of Security, and for that end gave in the Old Act of Security, leaving out the clause about the Communication of Trade in respect of the Resolve concerning it, showing the necessity of it, to avoid English Influence. The E. of Marchmont said, There was much talk of English Influence which all Scotsmen should avoid, but no talk of French Influence, which was much more dangerous, and gave instances, which he desired to know whether it was English or French influence.

D. Ham. spoke to the Address and Resolves of the House of Peers in England, read them, and had his observes on them; and read the Resolves of the Parliament of Scotland 10. Feb. 1701, about the House of Peers' undue intermeddling with the Affairs of Scotland, and moved, That the last Resolve and Address of the House of Peers was an undue intermeddling with the affairs of Scotland. It being said by the Chanc. &c. That if the Parliament intended to do nothing but to go from one matter to another, it could not be expected they could long stay together. Then there was a great hubbub, and crying on both sides; the Earls of R. and Had. on the one side, the D. of H. on the other, till the Commissioner rose and said, Such disorders were very misbecoming, and if they did not settle, he would be necessitate to Adjourn, untill they came to a more calm temper.

The Act of Security being urged to be read, and marked A first reading, the Commissioner again said, That he had very ample Instructions in case the Parliament had gone in to the main business in Her Majesty's [Letter], but seeing they had entered into a Resolve which did put off that for this Session, things were so far altered, that he knew not what he could do, without acquainting Her Majesty, and receiving her instructions. The D. of H. said, the House owed their thanks to his Grace for his candor, &c.

Salton had given in an Act for a Commission to Treat with England: Eight of every Estate to meet on the Borders.

Moved again To proceed to the Supply, and That the Question might be 2 months or 6. Some were for 4 months. At last, after some discourse, the

vote was stated, 2 or 6 months : carried, 6 months be 22, and the Act marked A 1<sup>st</sup> reading.

Petition for the officers of the Army read.

Petition for [David] Baillie prisoner in the Castle of Stirling for liberation upon bail, read and granted.

The Parliament adjourned till Tuesday next at 10 a clock. Praiers said.

S. J. H. observing that Salton had said something of men's changing, said, That the foot they had set up upon was to get this kingdom freed of English influence, that he was still as much for that as any, but some had brought things unto other points which, he was sure, would never take effect till the Nation were freed of English influence, for that would influence all we did : So he left it to every man to judge who had changed. The D. of H. said, the Gentleman who spoke last was, in his esteem, one of the worthiest Gentlemen of the nation, but he thought his reasonings now might be turned against him ; but he still stood up for the Interest of Scotland, and he was sure he was not paid for it.

Salton had said, the English influence was such, that they had sent down one to manage who had no interest in Scotland, meaning Mr. Ja. Johnston, L. Register.

7.—TUESDAY, JULY 25.

Praiers said. Rolls called. Minutes read, concerning which some time was employed for amending some words concerning the vote, about the 6 months' cess, being in the Minutes, approve of the Resolve for 2 or 6 months. This being over, the Marquess of Montrose moved A 2<sup>d</sup> reading to his Act ; but D. Ham. opposed it, till the business of the Cess were over. And the Marquess having yielded, it was moved by the E. of Marshall and D. Ham. That the Act of Security might be read and added as a clause to the Act of the Supply. It was said by my Lord Marchmont, He desired to be heard before reading. No, said the E. of Marchmont, it behoved first to be read, for it

was a part of his speech. E. of Buch. said, If the E. of Marshall had a mind to read the Act, he might as a part of his speech, but the clerk could not read it, till Members be heard why it should not be heard. The E. of Marchmont desired to be heard, why it should not be read. E. Rugland, said, he was up before the E. of Marchmont, and desired to be heard, so there was a long jangle ; at length the Act was by the Chancel. appointed to be read, and was read by the clerk. Then E. Rugl. had a short speech of very few words, which seem'd to import, his design in craving formerly to be heard was only to interrupt E. Marchmont, who likewise spoke ; but spoke very little, that that Act should not carry us off the Act for the Supply, which had received A first reading. He was for the Act of Security, and thought an Act of Security needfull, but he thought it fitt to have in a separate Act. S. J. H. said, He had been for the Act of Security, and would be for it as much as any within these walls, but he thought dishonourable for so great an Act to be joined with an Act for a few months' supply. S. Pat. H. said, That this was only a clause to be added to the Supply Act, and it was very ordinary to add a clause to an Act. L. Belh. professed to be very much for the Act of Security, but not for joining it to the Act of Supply : Tacking of Acts was a novelty with us, and may prove of dangerous consequence. L. Founth. said, Novelty should not scare us ; all our lawes were at first novelties : the Act for Two Readings was such a novelty, that some years agoe, a Member of Parliament for proposing it was sent to prison (Mr. W<sup>m</sup>. More in Lauderdale's time ; the Protestant Religion was called a novelty by the Papists. D. Ham. said, A novelty for good was still good, and this was for salvation. L. Register said, The tacking of Acts in England was more reasonable than in Scotland, because there the Parliament consisted of two Houses, and it was not of design to encroach upon the Sovereignty and to straiten the King, but because of differences between the two Houses ; and yet, there was such inconvenience found therein, that the plurality of the other House had engaged never to give their consent to

bills tacked. But here the Parliament fate in one house, and Tacking of Acts might obstruct voting of them both, whereas a plurality (though not the same persons) might carry both when considered separately, which yet, might be against both when conjoined, for such, e. g. as were for the Supply may be against the Act of Security, and such as are for the Act of Security may be against the Supply, and both would join in being against the Acts conjoined. Likewise, it was a straitning of the Queen, who might possibly consent to the one and not to the other. Salton said, Now it appears that there must be a bargain, and unless the Parliament go in to the measures laid down in England nothing must be done; and he who spoke last has undertaken to obtain these measures to be performed here, in prosecution of the House of Lords' Address. L. Reg. said, He had not undertaken any such thing; that it was a mistake to think these measures were the result of the House of Lords' Address, for her Majesty being aspersed, as if she had other designs, declared about Christmases, long before the House of Lords' Address and his own concern in publick business, That she would recommend it to her servants to obtain the Protestant successor settled in Scotland. Salt[on said,] He knew, and could make it appear, that the Register had undertaken to prosecute the English designs for promotion to himself. Reg. said, There could be no Influence but the place he had, and it was known he had lost a higher place for his concern for his country. Some called, That Salton should go the bar for accusing a Member. Salton, backed by D. Hamil. said, The Letter by the Queen to the Parliament was written when no Scotsman was about her, and so behaved to be by English influence. The Reg. said, It came up to the Queen from Scotland; that he believed there was no English man would be at the pains to draw a letter. Salton still insisting, S<sup>r</sup>. Ja. Hacket said, He was impertinent. Salton said, He that would call him Impertinent was a Rascal. The House being alarmed at such expressions, S. J. Ersk. moved Both should be sent to prison. The Chancel. gave a sharp rebuke to both; and it resolved in this, first S<sup>r</sup>. Ja. Hacket then

Salton, Declared they were sorry they had said any thing that had given offence to the House, and promised upon their word of honour, they should not take any notice of it elsewhere.

When this was over, moved To proceed to the 2<sup>d</sup>. reading of the Act for the Supply ; others To the reading of it as joined with the Act of Security.

My Lord Ross gave in a Resolve, To give 2 months' Supply presently, and when the Act of Security shall be past and touched, to give 4 months more.

A Resolve given in by the E. of Marshall, Not to proceed to the consideration of the Supply or Act of Security, until her Majesty give instructions about the Act of Security, reserving to the Parliament then to proceed on them thereafter, jointly or severally.

The Commissioner said, The Parliament knew what hand he had in that Act of Security, that he had added more clauses thereto than any other whatsoever, and that he was still in his private opinion of the same mind now as then ; but seeing it had pleased the Parliament to fall on other measures than was expected, he behoved to acquaint her Majesty before he could do any thing thereanent. The Question was, Whether the first or 2<sup>d</sup>. Resolve should be the state of the Question : carried the 2<sup>d</sup>. be 18 or thereby. Then agreed without a vote upon the 2<sup>d</sup>. Resolve.

I came out, and referr to the Minutes for other things.

The Parliament adjourned untill Aug. 3, Thursday come 8 dayes.

#### 8.—THURSDAY, AUG. 3, AT 11.

Praiers said. Rolls called. Much time was spent about admitting the Commissioner for the Stewartry of Kircudbright, who was chosen Tuesday last ; some pressing he be presently admitted, seeing he produced his commission, and there being no competitors ; others alledging, he had been nimious diligent, in having come in in 24 houres 70 miles, and confessed there were Protestations against his election, which raised a suspicion that there might

be a different election, seeing there were above 70 electors, and but about 37 subscribers to his election, and moved He might be delayed till next Sederunt. At length he was admitted, reserving objections if any should occur. Then proceeded to private business, this day being destined for that purpose.

The Act of Dissolution, in favours of the Marquiss of Montrose, read twice or thrice; and after, the E. of Bute's Protestation read and admitted, and some debate, voted and approved. Several other Petitions and private business read, and Acts received A first reading.

Act in favours of the Lords of Justiciary read, and appointed to be printed. A petition for Mr. Jam. Oliphant of Lanton read, against Mr. Ro<sup>t</sup>. Alexander, and refused.

The Parliament adjourned till tomorrow at 10 a clock. Praiers said. Came out at 6.

#### 9.—FRIDAY, AUG. 4, 10 OR 11.

Praiers said. Rolls called. Where, the Commissioner for the Stewartry of Kirkcudbright, M<sup>c</sup>Ghie of [Alex. M<sup>c</sup>Kie of Palgoun] having been admitted yesterday, and there having been a commission produced this day for Laird Murdo, It was moved, That M<sup>c</sup>Ghie should be debarred from voting, seeing tho the competitor was not come up, yet his commission was produced, and there were objections why neither of the two should be received, viz. That there was not due intimation at all the parish churches, and some freeholders in these parishes were absent from the election. After much reasoning, declared upon M<sup>c</sup>Ghie's own declaration, That he should not vote till the business were discussed.

Then proceeded to my L. Sutherland and Grant's business, against the Lords of Treasury. But first as to the Minutes, they were amended as to the Marquiss of Montrose's Act thus, Moved the Marquiss of Montrose's Act should receive A second reading. The E. of Bute declared, in re-

gard he was not cited, he did not list himself as a contradictor, but held his private right as safe, and gave in a Protestation, which was admitted. Then as to the E. of Sutherland's business, seeing yesterday it was delayed till next Meeting of Parliament, Moved now the question should be, Remitt the same to the Session or Not. It was alledged, the defenders had not time to consult, and they had reasons to alledge why it should not be Remitted. After long debate, and a Declinator given in of many, and that it was alledged the D. of Argyle could not be allowed to vote, and that it being alledged the action was penal, and could not pass *ad hæredes*; at length the E. of Marshall moved, from the E. Sutherland's suggestion, That seeing the defenders had scarce time to sup yesternight when they behoved to go to bed, and had little time this morning, that therefore it should be delayed till next Sederunt, providing it be marked to come first in then, which was agreed to. Then the D. of Ham. moved It might be agreed to, That next meeting the Parliament should proceed to name their commissioners for the treaty with England, conform to the Resolve. It was said by others, This day was appointed for private business, and proceeding to the publick accounts. After long reasoning, moved That the Act given in by Salton as to the treaty might be read. Moved by others the question might be, Whether the Orders of the House for proceeding to private business should be kept. It was alledged, the reading of the Act would take but little time. After long altercation, the question was stated, Proceed to the consideration of the Accounts or Acts; the other Act moved being by the E. of Roxburgh, (in case they did not proceed to the Accounts,) to give the Act of Security a second reading: carried, the Acts. Then the next question was moved, Proceed to the consideration of the Act for the Treaty, or the Act of Security: carried by 5 votes the Act of Treaty, and it was ordered to receive A first reading marked.

The Parliament adjourned till tomorrow. Prayers said.



## 10.—SATURDAY, AUG. 5, ABOUT 12.

Praiers said. Rolls called. Minutes read. This day several things Moved, as to which I referr to the Minutes, in regard I had not time to set them down. Only, after much strugle, and the Ld. Commiſſioner's intimation he had inſtruction to paſs an Act of Security that might ſufficiently ſecure the nation, D. Ham. ſaid, It was not *An* Act of Security, but *The* Act of Security they were for; ſo in end it was alledged, if they ſhould paſs the Act of Security, they had no aſſurance it ſhould be touched. The L. Commiſſioner told, that before he did touch the Act for the Supply, he would touch the Act of Security if it did paſs the Houſe; ſo the Act of Security was read and voted, and then the Act for the Cefs was read and paſt, and thoſe concerned in the ſeveral ſhires, nobility and others, allowed to give in Liſts of Commiſſioners of the Supply.

The Act of Diſſolution in favours of the Marquiſs of Montroſe, the Act of Security, and the Act for 6 months' cefs, two months 10th Sept. two months at Candl[emas], and two at Wh[itſunday] next, all touched. The arrears due to the ſtanding forces to be payed out of the firſt two terms.

Parliament adjourned till Tueſday next. Roſe after 8, and candles lighted. L. Balmirino and Blantyre admitted.

## 11.—TUESDAY, AUG 8, BEFORE 12.

Praiers ſaid. Rolls called. Minutes read. Moved To proceed to the nomination of Commiſſioners for the Treaty with England. On Saturday, it was alledged, that it ſeemed reaſonable to condeſcend on the ſubject of Treaty before a nomination; but that being overruled, D. Ham. moved the nomination might be in plain Parliament, as was in the Meeting of the Eſtates. Belh. [ſaid], that before any nomination, he thought there was an accuſed thing ſearcht out to put out of the way, which he had found out, viz. the Scots Plot, where many of the Members were tainted, and till they

were cleared, it would be unfitt to name them for commiffioners ; he named the D. of Ham. Queensberry, Athole, M. of Annandale, E. of Leven, L. of Grant, himfelf ; and faid, Unlefs they were cleared, they could not be acceptable to the Commiffioners of England. Dug. Stewart [faid], He thought there was now a plot to difappoint the nomination. D. Ham. [faid], He did fecond that noble Lord, That it was neceffary to clear the nation of the Plot ; that not only thofe named, but all who voted for the Act of Security laft Sef. of Parliament are accused to be in it by a Letter from the D. of Q. to her Majefty laft year, whereof he had a printed copy in his hand, and read parcels of it. Salton [faid], He thought the fountain of our evil was the Houfe of Peers' undue intermidling in our affairs ; and after fome difcourfe to that purpofe, gave in a Refolve, thus, Refolved The Houfe of Peers in England their Addrefs to the Queen to ufe her endeavours to gett the Succeffor of England fetled in Scotland, and enquiring into the plot, fo far as it concerned Scotland and Scots men, was an undue intermidling with our affairs, and an encroachment upon the foveraignty and independency of Scotland ; and that the behaviour of the Houfe of Commons in thefe matters, was like good fubjects of our Queen, and as neighbourly friends of this nation. Much difcourfe was on this motion, which fome divided into two ; others into three branches. As to the Houfe of Peers, it was alledged by the Earls of Marchmont and Stair, that their Addrefs to the Queen was a clear acknowledgement of our independency, for when they treat about Irifh affairs, they give fpecial orders ; but in this affair, they do as the Queen and States of Holland do with the Emperor, in addreffing him for Articles in behalf of his fubjects in Hungary. And tho' this affair did indirectly concern us, yet it was directly their own bufinefs. Belh. [faid], Thus, when we were feperat kingdoms in Henry 7. [8<sup>th</sup>] of England's time, there was a treaty of marriage for K. J. 5. where the Succelfion was moved in. And as to the thanks to the Houfe of Commons, M. of Annandale faid, nothing appeared that what they did was on account of us, nay, what they did was carried on

by Mr. Seymour and his followers, who had declared his contempt of this kingdom, the House of Commons had nominated their Successor without advising with us. D. H. digressed to the Plot, where he said himself was tainted, and the M. of Annandale was tainted, and tho' in charity he was bound to believe him innocent, yet there was a heavy charge against him by Baillie. M. of Annandale called, To the Bar, to the Bar ; he was ready to defend his innocency, and desired that noble Lord might make good his charge. D. Ham.—He charges him with nothing, but Baillie does. M. Annandale desired Baillie may be secured. Many did second him. L. Founth. and L. J. Cl. said, the M. of Annandale was already cleared by a sentence of Council, and Baillie sentenced and pilloried. L. Anstr., It would be an intollerable tyranny if the sentence of the Council could not be called in question. This being let fall, returned to the Resolve. Moved, It should be divided ; which was agreed unto. Then as to the clause concerning the House of Peers, moved the question should be Approve or Not. Others, Proceed or Delay ; which was allowed for the first vote, and carried, Proceed by one vote. Moved, To divide that clause, being complex ; but the whole was put to the vote, and carried Approve by very many. Then D. Ham. moved To proceed to the 2d clause, concerning the House of Commons. Many appeared against it ; some, particularly the E. of Aberdeen, was for cutting off the first words of it, and being so reformed, the vote was called for ; others of the same side, perceiving it would miscarry, moved it might be let fall, but the other side craved a vote ; and it being stated Approve or Not : carried Not by about 50 votes.

Before the Rolls were called out, D. Ham. cried out in a rage, My L. Chan., Will you adjourn the House, and inroach upon the privileges of the House in the midst of the business ? So there was a great hubbub ; but after silence was obtained, the Chan. told the House there was no such design, and ordered the proceeding to the calling of the Rolls. Then my L. Commissioner said, It was the strangest thing in the world, that D. H. would

suffer no business to proceed ; and now that they were at an end of this business, he required the Chanc. to adjourn the House till to morrow at 10 a clock, which was his prerogative to do as representing Her Majesty. Prayers said about 7.

#### 12.—WEDNESDAY, AUG. 9.—ABOUT 12.

Prayers said. Rolls called. Minutes read. The business of the Plot moved, and that a day be set for considering it. All seemed ready to enter upon it, order . . . next and That all papers sent from Court in relation to it be produced.

Act concerning Wool read, and after very long reasoning, by a vote of a great plurality marked A first reading. Many Acts and petitions read, and the Act in favours of the Lords of Justiciary marked A first reading. The Minutes will contain the particulars.

The Parliament adjourned till to morrow at 10.

About 7 several lists of Commissioners of the Supply given in, and the Act appointed to be published and printed. The E. of Roxburgh, Haddington, and the Commissioners of the shire of Roxburgh, gave in a signed list, Cavers not being with them, gave in an additional list. The E. of Haddington said, he had been desired to come and refused. Cavers answered, That is not true. Haddington said, I thank you, Sir, for that. So the Chancellor and House took notice of the expression, and put Cavers to crave pardon of the House and of the E. of Haddington, and the Earl declared he had no more to say to him.

#### 13.—THURSDAY, AUG. 10. 11—12.

Prayers said. Rolls called. Minutes read. After some speech about additional members of the Supply, the Process of the Dutch. of Buccleugh c. the E. of Melvil, Leven, and Mr. Ja. Melvil called. Mr. Wm. Calderwood had a long deduction of the Affair, and process of Exhibition, Compt and

Reckoning, and Reduction, before the Lords, and hardship of the Interloquitors, whereupon she did protest for remeid of law. To which S<sup>r</sup>. Walter Pringle answered, No process, in respect Mr. Ja. Melvil was neither cited personally nor at his dwelling house. Answered by S<sup>r</sup>. Da. Dalrymple, That he opposes the execution at his dwelling house in the Lady Gartmore's in the Canongate. Answered by Mr. Fr. Grant, That was not his dwelling house, nor was he 40 dayes in Edinburgh. It was alledged for the Dutch, that *eslo* Mr. Ja. Melvil were not legally cited, yet she might insist against the Earls of Leven and Melvil in the Exhibition. Answered, This was a protestation for Remeid of Law, upon an Interloquitor of the Lords for Exhibiting an Act. wherein Mr. Dav. Scrimzeor was principally concerned, and Mr. Ja. Melvil as his universal successor. After ending the debate, there was a long reasoning, wherein there was odd positions as to the point of Law and form advanced. It had been alledged by the Lawyers, That there was a citation against Mr. Ja. Melvil at his dwelling house in Fife which supplied that defect; which by some was alledged to be sufficient to be seen in the clerk's hands. But some proposed to distinguish the questions here, 1. Whether Mr. Ja. Melvil was legally cited by the citation in the Canon gate: This was agreed Not to be legal. 2. Whether it was necessary the new citation should be seen in the clerk's hands, or to be given out to be seen and returned in *communi forma*; and it was also agreed, To be seen in *communi forma*. 3. If My L. Melvil and Leven be holden to answer, when Mr. James Melvil the party principally concerned was not cited; and this put to the Vote, and it was carried, the Dilator to be sustained, That they were not obliged to answer.

The Parliament adjourned till to morrow at 10 a clock. Praiers said. Came out before 6. The Parliament entered upon the Publik Accounts, but they did not well understand them. Ordered S<sup>r</sup>. Th. Moncreiff, R. Rutherford, and Dav. Calender, to attend next meeting of Parliament, with such books and instructions as may give light to them.

## 14.—FRIDAY, AUG. 11. BEF. 12.

Praiers said. Rolls called. Minutes read. Moved, The Act in favours of the Lords of Justiciary should be read; this by the D. of Athol, seconded by the D. of Ham.; which was done; and the clause about the Arrears or By-gones after some debate, was thought improper in an Act of Parliament, That it sufficed to recommend the same to the Lords of the Treasury. E. of Marchmont said, And why not his By-gones for which he had served faithfully. D. of Argyle moved also, For the Just. General. St. Al. Oglevie of Forgland reasoned against an order for By-gones, and said, He hoped these gentlemen would forgive By-gones. The L. of Fountainhall said, For his part he offered to mortify By-gones, but not to forgive them. The Chancel. said, It would suffice to mark it in the Minutes, That the Parliament did recommend the By-gones to be payed by the Lords of Thesaurry, and they would certainly be payed. And according[ly] the Minute was written and read; but I believe upon the E. of Marchmont, &c. struggle, the Minute was let fall.

Then the Parliament proceeded to the Publick Accounts, and went throw some Accounts.

Parliament adjourned till Munday [at] 10 a clock. Praiers said. Came out before 6.

## 15.—MUNDAY, AUG. 14.

Praiers said. Rolls called. Minutes read. Moved by St. Pat. Home, That there was wanting a recommendation to the Lords of Treasury to pay the By-gones to the L. of Justiciary. It was alledged, to be laid aside; some urged, others might be added. The Chancellour said, that he had his claim, and it was best to leave all to the Lords of Treasury, for the Queen was resolved that all her servants should be payed. So the matter was laid aside.

The Parliament proceeded to the 5th and 6th Accounts: but by reason of jangling, they proceeded no further.

Parliament adjourned till to morrow at 10 a clock. Praiers said. Came out before 6.

16.—TUESDAY, AUG. 15. AFTER 12.

Praiers said. Rolls called. Minutes read. Proceeded to the 7th Account : But L. Grant, S<sup>r</sup>. Th. Burnet and others proposed, To proceed to consider those who had publick money in their hands, or who had misapplied it ; and a long debate was thereon ; at last returned to the 7th Account, and went through it with the observations, and the 8th Account and the observations, until S<sup>r</sup>. Wm. Menzies who being present was called, and a long Information and petition of his was read, and he was heard speak for himself Why his Tack did not stand by reason of a clause in it That in case of famine, plague, or war should occur and endure for 3 months the Tack should fall, and he subscribed. There was a famine, which he made appear by the penury and high price of corns,—the death of many people (this was in Anno 1699) for want,—the importation of 36000 bols into the kingdom upon a premium of 20s on the boll,—the keeping of fasts for the famine, &c. It was alledged, There was as great a dearth the time of the taking the Tack,—that it was not universal,—others had offered to take the Tack,—that he had set Tacks, &c. It was said for him, That there was an Act of Exchequer turning the 2<sup>d</sup> year into a Collection ; which was read, but it does not expressly say so. After long reasoning the vote was stated, If the Tack was standing till it was set to others or Not : carried, It was, by about 18 votes.

It being late, the Parliament adjourned till to morrow at 10 a clock. Came out about 7.

17.—WEDNESDAY, AUG. 16. 12.

Praiers said. Rolls called. Minutes read. Proceed on the Fund of Hearth Money, whereof Mr. James Melvil of Calfingray was Collector with power to appoint sub-collectors and the E. of Leven his cautioner, and both

liable for their own and sub-collectors intromissions. What was done therein will appear from the Minutes.

Before they came to this, there was a vote in S<sup>r</sup>. Wm. Menzies case,—Supersede further execution against him upon his payment of 5 or 9000 pounds Sterling; and it carried 5000 pounds Sterling and power to inquire into his intromissions.

A Resolve given in by Salton, That all who have misapplied, or shall misapply funds appropriate, be liable. Another to the same purpose given in by the D. of Athol. In end, a Draught of an Act given in to the same purpose; but argued against, as bearing a retrospect, and precluding parties concerned of their defences. The Act to ly on the table, and ordered to be printed.

The Parliament adjourned till Friday at 10. Came out at 7.

18.—FRIDAY, AUG. 18. 11.

Praiers said be Mr. Meldrum. Rolls called. Minutes read. Proceeded on the Accounts of Pol money 1693.

The Parliament adjourned till to morrow at 10 a clock. Praiers said.

19.—SATURDAY, AUG. 19. 11.

Praiers said be Mr. Jam. Ramfay. Rolls called. Minutes read. Act given in by Salton, For an addition of 11 to the state of Barons, and that as a nobleman is created there be a new addition of one for the barons, read and marked A first reading. Act given in be the D. of Ham., About free voting in Parliament, excluding from the Parliament officers in the army, free pensioners, collectors and tacksmen of the customs, &c., read, and marked A first reading. Proceeded to Petitions for the E. of Crawford for his payment of what he stands engaged for clothing to his regiment, read and granted. Petition for the Viscount Teviot, &c. read. Petition for the Countess of Seaforth for an Aliment of 500 pounds Sterling per annum du-



ing her dependence of her process for her jointure of 1000 pounds Sterling read. The Justice Clerk desired the Answers might be read, but they were afterwards obstructed. Then he offered to consent the Act should pass, if she would bring back her son ; but retracted. It was long debated, and in end put to the vote, Grant the desire of the petition or Not : carried, Grant. - But here there was No process, nor any body cited or compearing, so that it is thought this Act will be of little effect. Act for the Wool to come in first next Sederunt, then the Accounts. The E. of Rothes offered an Act for plantation of Kirks and valuation of Teinds, as to which it was voted, Proceed or Delay : carried, Delay.

The Parliament adjourned till Tuesday next at 10 a clock. Praiers said before 8.

20.—TUESDAY, AUG. 22. 11.

Praiers said be Mr Meldrum. Rolls called. Minutes read. Most part of the time spent on the Act for Exportation of Sheep wool after 1. Oct. till next Sess. of Parliament ; wherein there were several votes, but the Act not concluded. Praiers said after 8.

21.—WEDNESDAY, AUG 23. 11.

Praiers said be Mr. Ramsay. Rolls called. Minutes read. Several Petitions given in. The Act, about the Wool, in end, after some debate about clauses to be added, was voted and carried.

Then proceeded in the Accounts to the Article of Tunnage ; and Ferguslie compearing, and there being a great many complaints given in against him by Col. M'Gil and several others for extorting 25 per cent from him, and 30 for 20 from the seamen, he was ordained to go to prison till he found bail *judicio fisci*, before the Commission appointed to cognosce of what should be remitted to them, passed this day.

The Parliament adjourned till to morrow [at] 10 a clock. Praiers said,

8—9. A reward of 200 pounds Sterling to the 4 that were the Committee for the Accounts ; and 100 pounds to be distributed by them to the clerk, &c.

22.—THURSDAY, AUG. 24. 11.

Praiers said be Mr. Meldrum. Rolls called. Minutes read. Moved by the D. of Athol, That the Parliament proceed to the Plot after ending the Accounts. Moved by Salton, To give a 2<sup>d</sup> reading to the Act for a fuller Representation of the Barons. Moved by D. Ham., To give a 2<sup>d</sup> reading to the Act for Free Voting in Parliament. Salton, That the Member spoke last did contradict himself, for he had been for the Act in favours of the Barons. D. Ham., He craved the Justice of the House,—he had been reflected on by the Member spoke last, and undeservedly, and he offered to go to the bar, if he had said any thing amiss. Salt.,—Such reckoning was for another place. D. Ham.,—He refused not that neither. The Chancellor took notice of both their expressions, and moved, That first Salton should crave M. L. Commissioner and the House pardon, if without any design he had said any thing that gave offence ; which after a long struggle he was prevailed with to do, if D. Ham. should do the like, and which both did, and promised on their word of honour, There should be no more of what had passed.

Proceeded to the Accounts, and came the length of Tonnage and Poundage.

The Parliament adjourned till to morrow at 10 a clock. Praiers said. Came out about 6.

23.—FRIDAY, AUG. 25. 11.

Praiers said be Mr. Meldrum. Rolls called. Minutes read. Proceeded to the Publick Accounts, and went throw them. Remitted most things to the Commission. An Act given in by way of Overture, be Mr. Clerk of Pennicook. Carried by a vote, To remitt my L. Belhaven's business to the Commission, to enquire and report.

The Parliament adjourned till to morrow at 10 a clock. Prayers said before 8. In the beginning of the Sederunt, the Act in favours of the five Lords of Justiciary, Act for Exportation of Wool, and the Act. . . . .  
[A blank in the MS.]

24.—SATURDAY, AUG. 26. 12.

Praiers said be Mr. Ramfay. Rolls called. Minutes read. My Ld. Arnifton, Prefident of the Commiffion, gave account that they met this morning, and Mr. Bruce and Smith met, but not Mr. Patrick Oglevie, nor John Forbefs of Knappernie; who, being present in Parliament, was examined about Th. Bruce, muster-master-general, his having received reward for making false muster-rols to the Lords of Treafury. He said, He, as agent for C. Hil's regiment, did not pay any thing to Th. Bruce, but he payed to his brother Alexander Bruce 60 pounds Sterling, and ten fhillings Sterling per month for each name of a man of each company, being 13 companyes in all, and payed thus for two or three quarters 29 pounds 10 fhillings at a time. He prevaricate extremely to the conviction of all present. This bufiness remitted to the Commiffion. The Act for 12 fhillings on the tun on each fhip and veffel not belonging to Scots men dwelling in Scotland for 5 years, beginning from 1st September next. This had been in yesterday on the false musters. Smith said, all the regiments in the kingdom had false musters but the E. of Hindford's. The Act of . . . . . [blank in the MS.]

Proceeded to the Plot; but there being no print[ed] papers sent down, and all the copies sent to the Council being only copies, Moved, There might be an Addrefs to her Maj[esty], to fend the papers and perfons necessary againft the next Seffion of Parliament.

The Parliament adjourned till Munday next, [at] 10 a clock. Praiers said.

25.—MUNDAY, AUG. 28. 12.

Praiers said be Mr. Meldrum. Rolls called. Minutes read. A Draught

of an Address to the Queen, offered by the E. of Mareſchall, and another by Mr. Fletcher of Salton ; both read, and the former Approven to be gone into, and being read ſ. by ſ., there was much reaſoning on amendments, particularly about the undue midling of the Houſe of Peers being brought in Affertively, which theſe that were againſt the Reſolve ſaid they could not go into. The Reſiſter moved, It might be inſert Narratively ; which was agreed to, and the Address put to the vote : carried Approve ; yet the Marquiſs of Annandale, D. of Argyle, E. of Buchan, Stair, Leven, Melvil, &c., and Preſident of the Seſſion, voted No, and many of the D. of Queensberry's party were ſilent.

The Commiſſioner had a ſpeech to the Parliament, which I did not hear, and cauſed adjourn the Parliament till 7 October next. Prayers ſaid, 3—4.

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### THIRD SESSION.

1705.

#### 1.—THURSDAY, JUNE 28.

The Parliament met about 1. Duke of Argyle Lord High Commiſſioner.

Prayers ſaid be Mr. Blair. Her Majeſties Commiſſion to the D. of Argyle, to repreſent her Royal perſon, read. The Chancellor's commiſſion, the Reſiſter's, the two Secretaries, Treafurer-Deput's, Juſtice Clerk's commiſſions read. Salton oppoſed Jervifwood's being a member as Commiſſioner for Clydfdale, having accepted and officiāt as Treafurer-Depute. Anſwered, tho' that be true, yet, his commiſſion never having been read and recorded in Parliament, and there being now another in that office, he ſhould not be rejected. None did ſecond his motion, ſo it was let fall.

The Rolls called. The Earls of Errol and Weems admitted new members. Tillibodie, for Clackmannan, being a controverted Commiſſioner laſt Seſſion,

and his competitor being dead, they having been equal in votes, was by vote of the House admitted, tho' some were for a delay.

The Parliament adjourned till Tuesday next at 10 a clock. Prayers said.

[2.—TUESDAY, JULY 3.

Prayers said. Rolls called. Palgown allowed to vote till Laird Murdoch and the shire make their objections. L. Prestonhall for Chanory of Rofs, and [James Black for Dyfart] admitted.

The Minutes read. The Queen's Letter read, bearing in the first place a Nomination of the Protestant Successor; then an Act for a Treaty with England; thirdly, a Supply; 4°. The nomination of the D. of Argyle for her Commissioner; 5°. Instructions for good laws. Then the Commissioner had a short speech; and the Chancellour a speech: Moved and agreed to be printed.

The Parliament adjourned till Friday next at 10 a clock. Prayers said.

3.—FRIDAY, JULY 6.

Praiers said. Rolls called. Minutes read. A Propofal given in by the Marquifs of Annandale, that the Parliament goe into the confideration of fuch Limitations and Conditions of Government, as fhall be judged proper for the next Succellor in the Protestant line.

Given in by the E. of Marfhall.—Refolved, That the Houfe, before all other affairs, will make fuch a Regulation of the Trade and Coyne of the Kingdom, as may be moft for the advantage of the nation.

Given in by the E. of Mar.—Refolved, That the Houfe will proceed, preferable to all other bufinefs, to take into their confideration the Nation's circumftances as to England, and how to enter into a Treaty with them.

It was noticed, the laft two came in with an exclusive Refolve. Some thought it fhould be by way of Propofal; fome were for Committing. D. Ham. faid, He would then be for a Committee of the whole Houfe; for

he thought they were matters of such importance as all should understand, and he knew not if he would be upon a Committee. After many hours' debate they came to vote, 1. Whether the Parliament should first take to consideration the Trade and Money, or the Regulations of the Successor : carried, The Trade and Money, by a vast plurality. 2. Whether by way of Exclusive Resolve, or by way of Proposal : carried, by about 36, By way of Proposal.

The Parliament adjourned till Tuesday next [at] 10 a clock. Prayers said.

#### 4.—TUESDAY, JULY 10.

Praiers said. Rolls called. Minutes read. The controverted Election of the shire of Wigton, between [Palgowen] and Comloddan, alias Laird Murdoch, called, and some general objections repelled, particularly, that there was 11 parish churches where advertisement was not given, in respect, all the freeholders thereof were present. They came to make objections against other's commissions, and both agreed to take 20 dayes to verify these, and diligences were granted.

A Proposal for remeid of the Coin given in by Jerviswood, in four articles, taken out of Mr. Law's book. 2. An Act for prohibiting Importation of manufacture, of flax, hemp, or cotton. 3. An Act for a duty of 4 pounds per boll on Irish victual.

The Parliament adjourned till Thursday next at 10 a clock; and these proposals ordered to be printed. Praiers said.

#### 5.—THURSDAY, JULY 12.

Praiers said. Rolls called. Minutes read. Reasoned on the Overtures given in; and the Act for prohibiting Importation of Linnen, &c., and of English and Irish butter and cheefe, marked A first reading.

Parliament adjourned till the morrow at 10 a clock. The Act for adjourning the Session read, and pressed to be marked A first reading by the

Chancellour, Annandale, and Marchmont, and put to the vote : carried Not.  
Prayers said.

#### 6.—FRIDAY, JULY 13.

Praiers said. Rolls called. Minutes read. Some moved To go to the confideration of the Coin ; others, To the Trade ; which was agreed to, and first confidered the Act prohibiting Importation of Linnen, &c., to which was added laces and points, and voting delayed. Then proceeded to the Act about butter and cheefe, and after amendments, it was voted and approved.

The Parliament adjourned till Tuesday next at 10 a clock.

#### 7.—TUESDAY, JULY 17.

Praiers said. Rolls called. Minutes read. A new member admitted for the town of Air, in place of Mr. [Alexander] Cunninghame deceased, for the Election of whom the E. of Eglington went to the place.

D. of Ham., after an introduction, proposed the Parliament may enter into the last years' Refolve, which was done this same day 12 months. It was much debated, to be contrary to the method agreed to, seeing last Sed-runt they were upon Trade not yet concluded ; but, after a long reasoning about this, and about the state of the vote, it was put to the vote, Approve of the Refolve or Not : carried Approve, by about 45 votes.

Parliament adjourned till Friday next at 10 a clock. Prayers said.

My L. Belhaven was for the Refolve ; Marquifs of Montrose, Twedal, and rest of that party was against it.

#### 8.—FRIDAY, JULY 19. [20.]

Praiers said. Rolls called. Minutes read. Marquifs of Twedal gave in a Draught of a Letter, in answer to the Queen's Letter, honouring it, and full of respect to her concern for our religion, and interest of the nation, and

[of] respect to the D. of Argyle, her Majesty's commissioner. The D. of H., Grant, &c. spoke against the method of bringing it in. The E. of Marchmont spoke to the Duty of answering the Queen's Letter, &c.; but it was thought fit to let it lye on the table.

Draught of an Act for a Treaty with England, given in by the E. of Mar.; another to the same purpose by the Marquis of Lothian. Draught of an Act for Regulation of Elections of Officers of State, Privy Counsellors, and Members of Exchequer, by the Parliament, in case of a Successor not of the Queen's body, but to continue in office for 6 years only, given in by the E. of Rothes. One for encouragement of White Fishing, Herring, and Salmond, by the Provost of Edinburgh. Another for Herrings, with a drawback, by Sir Th. Burnet. One forbidding the Importation of Foreign Spirits, by . . . . . [blank in the MS.]

Then came to consider Dr. Chamberlain's proposal for the Coin; and long discourses were by the E. of Marchmont for it, the D. of Ham., who was very pleasant against it, E. of Stair, who seemed to be for the middle way: All agreed it was a matter worthy of deep consideration, and appointed the second Sederunt next week for it.

The Parliament adjourned till Tuesday next at 10 a clock. Prayers said.

#### 9.—TUESDAY, JULY 24.

Prayers said. Rolls called. The D. of Queensberry's commission to be Ld. Privy Seal, read, and he qualified.

Minutes read. Proceeded to the reading the Act for Herring Fishing, and fishing of White Fish, given in by the Provost of Edinburgh; and marked A first reading. I came out before the Parliament rose.

#### 10.—FRIDAY, JULY 26.

I shall henceforth be more succinct in the forms which may be gathered from the Minutes.



This day was discussed the competition for the Commissioner of Wigton, between Palgown and Comlodden, or Laird Murdo ; where the Parliament found, that notwithstanding the Meeting of the Freeholders be contained in the Minutes, and the objections marked and signed by Cardonnes and the Clerk, yet, that the Act of Parliament [16]81 requiring instruments, they found this was not an instrument, albeit it was alledged, That an instrument being but *documentum rei gestæ*, the Minutes produced were such, in respect that it was alledged the 500 merks of fine could not be recovered upon those Minutes. It was on the other side alledged, If formal instruments were necessary, there behoved alwayes a notar and two witnesses to be in readines, albeit the doors behoved to be close, and all but freeholders removed.

Some Overtures given in about a Council of Trade, &c.

The Parliament to meet to morrow.

#### 11.—TUESDAY, JULY 31.

This day the Marquis of Lothian gave in an Overture for an Act of Treaty with England. L. of Salton had a long harangue against a Treaty, till the injurious Act of the English Parliament were taken out of the way ; and spoke of the King of Prussia to be named. He gave in a Resolve ; and the Duke gave in another as an addition, To proceed first to Trade, Limitations, and Regulations. So the question was stated, Limitations or Treaty : carried Limitations by 4 votes. The Throne was all for a Treaty.

#### 12.—THURSDAY, AUG. 2.

Moved this day by the Chancellour, To proceed to Trade ; others, To proceed to Limitations ; much time spent, all to which of the two to proceed, so that I came out. I am told the debate ended in a vote, Whether agree first to go on Trade, then on Limitations ; or Resolve to do so in the terms of a motion by Mr. Dowgal Stewart, and given in writing by My Ld. Bel-

haven : carried Agree ; and it is agreed The first four Sederunts to be upon Trade, the next four on Limitations.

The Parliament [to] meet to morrow.

13.—FRIDAY, AUG. 3. 14.—TUESDAY, AUG. 7.

The Parliament has been on the Act for encouraging Herring Fishing, &c., and not yet finished it.

15.—WEDNESDAY, AUG. 8.

This day the Act for encouraging Fishing finished and voted. And the Act for a Counsel of Trade, read, and marked A first reading. A petition be Mr. Geo. Campbel read, craving an Act in his favours, concerning making Salt better, and in greater quantity, with the same expenses as now it is made ;—To be considered first next Sederunt. Presented and advanced by my L. Balmerrino.

The Parliament to meet to morrow.

16.—THURSDAY, AUG. 9.

Proceeded to the Act for a Council of Trade ; and finished it all to the nomination of the Councillours, after granting Mr. Campbel's petition.

17.—FRIDAY, AUG. 10.

The question was, Whether the Queen should have the Nomination of the Councillors of Trade, or the Parliament ; and it being long debated that it was the Queen's prerogative : carried by vote, That the Parliament should have the Nomination. And it being moved, That some might be set to be employed that were not Members of Parliament, particularly Sir Ro<sup>t</sup>. Blackwood ; the Parliament generally inclined that the Election should go by the three Estates separately, as Committees go, and not by the whole House, as was the design of the said motion under a cover, as the Register express-

ed it, and which Salton challenged, and asked What was the meaning of that expression. He was told, worse expressions were used, as Chicane, which he had used, of a pleading of Sir Dav. Dalrymple's yesterday.

The Parliament adjourned till Tuesday, when Members were desired to have their lists in readiness for the said Council.

#### 18.—TUESDAY, AUG. 14.

The Parliament being met, the E. of Marchmont moved, The Estates, when they separate, may chuse their 7 counsellors each for the Council of Trade, by billots. This was seconded by the D. of Hamilton, pressed by Salton and the Ld. Belhaven, and tenaciously pled for by Sir Patrick Home. It was objected, that way was expressly prohibite by A. of P. 1663, and branded as pernicious and dangerous; yet, still it was insisted in. It was alledged, that voting was prohibite, not voicing, and this was voicing. Salt[on said,] Very far from voicing, which is to do a thing audibly and avowedly, and voicing and voting are the same thing. At length the D. of Atholl, E. of Marshall, &c., moved To let the debate fall, as expressly contrary to law. Then the Noblemen went to the Inner House, the Burrows to the Commissar's Court, and Barons sat still. The Commissioner went up to the Treasury room.

Returned of *Noblemen*.—Marquis of Lothian, E. of Mar, E. of Buchan, E. of Hyndford, E. of Stair.—*Barons*.—Sir Ro<sup>t</sup>. Dickson, Carnwath, Sir John Swinton, Jerviswood, Kilmaronnoke, More of Stoniwood, Sir Thomas Burnet.—*Burrows*.—Sir Pat. Johnston, H. Montgomerie, Sir Ja. Smollet.

#### 19.—WEDNESDAY, AUG. 15.

La. of Salton gave in 12 Articles of Limitations. E. of Rothes moved, The Act formerly given in by him might be read. D. Ham. and D. of Athol moved, The Act for a Triennial Parliament might be read. The whole day was spent on what they should begin, and a distinction was made

of Regulations of the present Constitution, and Limitations on the Successor. It was moved by Salton, That the Articles given in by him might be by way of Claim of Right, not needing the Queen's consent; but this did not take. At last, after 7, voted, That next day the Parliament would first take to consideration the E. of Rothes' Act. Then the L. Belhaven's about the Triennial Parliament.

20.—THURSDAY, AUG. 16.

Refers to the Minutes.

21.—TUESDAY, AUG. 21. 22.—WEDNESDAY, AUG. 22.

I being unwell, kept the House; refers to the Minutes.

23.—FRIDAY, AUG. 24.

The day almost all spent on what they should proceed to. The business of the Plot moved To come in 3d Sederunt next week.

24.—SATURDAY, AUG. 25.

Was upon the Act for the Treaty; and Salt[on], Belhaven, and in end, the Dukes of Ham. and Athol spoke against Treating till the Injurious Act of Parliament in England were rescinded. Mr. Dowgal Stewart, It might be a clause in the Act not to enter on the Treaty till that Act were rescinded, or a clause of the Instructions. The E. of Stairs had an excellent and learned discourse, taking off all the objections proposed. E. of Cromarty spoke for the Treaty; but nothing determined, but to proceed to it first next day.

25.—TUESDAY, AUG. 28.

Salton gave in an Address to be sent by the Parliament to the Queen, instead of the Act of Treaty. It was read before I came in, so I know not

what is in it. The debate run long, whether an Address or Act for a Treaty, which yet was not to exclude an Address; after long and some hot debates, at length agreed, That the Act given in by the E. of March, should receive A first reading, but not to be passed at next diet, when it shall be proceeded upon. A clause given in by the D. of Athol, That the Commissioners shall not meet, untill the English Act of Parliament, formerly mentioned, were rescinded; which clause is to be considered with the Act.

26.—WEDNESDAY, AUG. 29. 27.—THURSDAY, AUG. 30.

The Parliament was on private business.

28.—FRIDAY, AUG. 31.

Was on the Act for the Treaty, and came to near a close of it.

29.—SATURDAY, SEPT. 1.

Salton moved, The clause about the Church be left out; but let fall. The D. of Athol moved, His clause might be added; and being put to a vote, carried Not in that Act be 12 votes. Then the question moved, How the Commissioners should be named. D. Ham. moved, It might be by the Queen. Salton opposed that most bitterly. Put to the vote, and carried by about 40, It should be by the Queen. So the whole Act was voted and Approven.

30.—TUESDAY, SEPT. 4.

Refers to the Minutes.

31.—WEDNESDAY, SEPT. 5.

Was not in the House.

32.—THURSDAY, SEPT. 6. 33.—FRIDAY, SEPT. 7.

Refers to the Minutes.

## 34.—SATURDAY, SEPT. 8.

The Act for the Supply 6 months, two at Mart., 2 at Candl., and 2 at Lam. next; and 1 month at Mart. 1706, for 400 pounds Sterling to Mr. Hodge, 400 pounds Sterling to Mr. Ja. Anderson, and 400 pounds Sterling to W<sup>m</sup>. Bayne, in part payment of what was due to his deceast brother James, for his work at the Abbey, and the reft for rigging out the Royal William, and keeping her out 8 months for a convoy, &c. Retention of 1 of 12 of annual rents, from Mart. 1705, to Mart. 1706. The whole Act voted and carried.

## 35. 36. 37. 38. 39. 40.—[SEPT. 11, &amp;c.]

For which refers to the Minutes. The 40 was on Friday, Sept. 21, 1705, when the Parliament was adjourned till Dec. 20. next.

## FOURTH SESSION.

After many Adjournments, and the Meeting and Concluding of the Articles of Union between our Scots Commissioners and the English Commissioners, the D. of Queensberry being nominated Commissioner to this Session of Parliament, the Parliament met on Thursday, Oct. 3, 1706.

## 1.—THURSDAY, OCT. 3, 1706.

Prayers said. The D. of Queensberry's commission read. Rolls called. Sir Al. Bruce of Broomhall desired to be called, as E. of Kincairden, being heir male, and produced Kincairden's patent to heirs male. A Petition be Lady Mary Bruce, sister to the late Earle, representing her brother had granted a disposition to her of the estate and resignation of the title of ho-

nour, failing heirs of his own body, in her favours, which she had given to Broomhall, that resignation might be made by him as procurator ; and he granted receipt of it, and obliged himself to redeliver it upon demand, which is produced. Sir Alex<sup>r</sup>. pressed to proceed instantly. The vote was put, Proceed or Hear upon the petition next Sederunt : carried by a great many to Hear. The Advocate was for Sir Alex<sup>r</sup>. in his debate and vote.

The Commissioner delivered the Queen's Letter, which was read.

The Commissioner had a speech, as also the Chancellor. All which are ordered to be printed.

The Articles of the Union in number 25, read, of 26 pages in folio : Ordered to be printed.

The Minutes of the Commissioners craved to be produced and read ; and not being ready, craved and ordered to be printed.

The Parliament adjourned till Thursday next, at 10 a clock. Prayers said by Mr. David Blair.

## 2.—THURSDAY, OCT. 10.

Told that the Orders of the House were called. The cause between Broomhall and Lady Mary Bruce was called ; debate advized, and the vote put, Admit or Not : carried by 13 votes Admit.

The Parliament adjourned till Saturday next. Concluded with prayer.

## 3.—SATURDAY, OCT. 12.

The printed Minutes of the Commissioners of Treaty published and dispersed amongst the Members, &c.

The L. Oliphant admitted.

Moved the House might proceed to the consideration of the Articles of Treaty. Pardovan moved There might be a Fast within the city. This occasioned a long jangle, being seconded by M. L. Belhaven, D. of Hamilton, Salton. Kilmaronnock, &c. ; opposed by the E. of Marchmont, Stairs,

Sutherland, Ld. Justice Clerk, Jerviswood. The Marquis of Annandale proposed a Delay, till it was known what the Commission of the Ass. did, who had it under their consideration. Agreed, The Articles should be read, and they were read. Members were allowed to propose questions upon them, but none did. Then agreed, The Parliament should enter on the consideration of them next meeting. Before this, Sir Th. Burnet moved, They should first consult their constituents. Then agreed, The Fast should be delayed, till it were known what the Commission of the G. Assembly did. Also Resolved, That the Treaty 1604, and Minutes thereof, be laid before the House, or any Members that desires to see them.

#### 4.—TUESDAY, Oct. 15.

After reading the Minutes, it was long debated, If it was right minuted that the Parliament would go into the consideration thereof next Sederunt, and D. Ham. D. Athole, L. Belhaven, Salton, L. Balmerino alledged, It was not acquiesced to; others said, they heard it was so agreed to, and in end the Parliament acquiesced in the Minutes. Then proposed by M. L. Belh. That a week hence they should go in to the consideration, then a week on debating, and lastly, to make some conditions. M. Annand. was for a delay. Montrose, Rothes, Roxburgh, &c. were for proceeding. D. Ham. moved, They might proceed without a vote. The L. Belh. craved a vote; and carried, as the Clerks marked, by 66 votes, Proceed to the First Articles; and the Minutes relating thereto, and the Commission to the Scots Commissioners were read.

The Parliament adjourned till Thursday next.

#### 5.—THURSDAY, Oct. 17.

Proceeded in reading the 2—8 Articles and Minutes relating thereto, and clearing the meaning thereof. The Address of the Commission of the Gen. Assembly read, and appointed to be printed.



Adjourned till Saturday next.

6.—SATURDAY, OCT. 19.

The Parliament proceeded to read Articles 9—15; but on this there was a debate, if they should nominat Calculators; and the debate adjourned till next Sederunt, and the Parliament adjourned till Tuesday next.

7.—TUESDAY, OCT. 22.

The Parliament agreed, That next Sederunt there be 3 of every State chosen by the Estates for examining the Calcul. of the Revenues and Proportions in the end of the Minutes.

Then proceed[ed] throw Article 15, where there was much reasoning. And the D. of Athol gave in a kind of Resolve, That before the Parliament agreed to the Union, the Parliament of England should refund the losses of the Africa Company betwixt and February next; and nothing done in this, but left to the freedom of any two Members to bring it in in due season.

Proceeded to Article 18. where it was instanced by Stoniewood, That in England there is 15 shillings paid of custom on the Bushel of linseed, and in Scotland 5 groats on the Hogthead, so that, if we be liable to the English duty, it would destroy our linnen trade.

The Parliament adjourned untill to morrow.

8.—WEDNESDAY, OCT. 23.

The Parliament gave warrant for citing the L. Boyle and his son's creditors to hear them get a protection.

Then the Estates separated, and brought in each 3 for a Committee. By the *Nobility*.—The Mar. of Montrose, President of the Council, The D. of Argyle, The Mar. of Twedal.—*Barons*.—S. Al. Campbel of Cefnock, Geo. Baillie of Jerviswood, Jo. Haddon of Glenealis.—*Burrows*.—

Alex. Inglis for Edr., C. Jo. Arskin for Stirline, H. Mongomorie of Bufbie for Glasgou.

Then the Parliament proceeded on Article 18, and it was craved, The Act of the Parliament of England concerning Customs and Excise might be printed. Others moved, The English book of rates might be printed; so the question was moved, Print or Not. Others were for Remitting to a Committee for giving satisfaction and clearing any Member; and after a long debate and candles lighted, moved the debate should be Adjourned; which was agreed to, and the Parliament adjourned till Friday.

#### 9.—FRIDAY, OCT. 25.

The Chancellor told the Parliament, He was ordered by the Privy Council to represent to them, That since their last meeting there happened a mob in the town; and even before the Parliament's rising in the Parliament Close they attacked the E. of Errol's Guards, and offered to burst up the door; That they went down the streets crying, and insulted the Members of the House and particularly had come to St. Patrick Johnston's House with fore-hammers, &c.; That the Council finding the tumult increased to the number of 1000, and that the Town was not able to compesce it, the Council thought fit to send in some of the regular forces for the safetie of the town and Members of Parliament. Salton moved, That such of the rable as were apprehended, might be tryed by Errol's court, to whom it belonged, but he said he thought the forces being kept in town, was an incroachment upon the privilege of Parliament. To this purpose spoke D. Ham. D. Athol, My L. Belhaven, L. Balmerinoch, E. Kincairdin, &c. Others said Not, for they were for the preserving the Parliament from the insults of the mob. The Advocat brought in a motion, To thank the Council for what they had done, and to recommend to them to use means for keeping the peace. D. H. &c. were for dividing the motion; so it came in end to be voted, Separately or Jointly: carried Jointly be about 56 votes. Then the vote was, Approve the

motion: carried Approve. But the E. of Errol, in his own name, and all should Adhere, gave in a Protestation, That the motion was against his privilege, &c.

#### 10.—MUNDAY, OCT. 28.

After reading the Minutes, and expunging some who neither were present nor Adhered to the Protestation; and refusing the Ld. Duffus, who came but to Scotland the other night, the said Lord was admitted; and a Patent to L. Archibald Campbel to be E. of Isla read, and he admitted.

Moved by the D. of Athol, That on Thursday next the Fast-day sermon should be in the Parliament House, and Mr. Geo. Meldrum and Mr Geo. Hamilton appointed to preach; which being reasoned upon, and Salton having alledged, That if he would tell what he knew, those of the Commission who were for that manner of the Fast, would be ashamed to hold up their faces; he being challenged by several Honourable Members of Parl<sup>t</sup>. who were also Members of the Commission, the business with some struggle was let fall.

Then read over the 18. Article, and rough reasoning upon it, as contrary to the Claim of Right, between the Marq. of Annandal and the E. of Stairs. And read Articles 19, 20, 21, with the Minutes; to be further considered next Meeting, and the Parliament adjourned till to morrow.

#### 11.—TUESDAY, OCT. 29.

The Parliament proceeded and read to Article 23. inclusive, but betwixt, Salton said, The Commissioners on the Treaty had betrayed their trust; whereupon he being challenged, he said He could not get softer words. So it was moved, He should go [to] the bar. Some plead the Claim of Right for him; others said other things; at length he said, If he had offended any person by what he said, he was sorry for it. So that business was let fall.

#### 12.—WEDNESDAY, OCT. 30.

The Parliament reconsidered the Articles read yesterday about Prece-

dency, &c.; and read out the rest, where was moved by the D. of Hamilton, The Sacramental Test, which made an inequality, whereby Scotsmen are barred from employments in England, but Englishmen are not barred from employments in Scotland . . . . This, as momentous, referred to further consideration.

An Act, presented by the E. of Glasgow, for adjourning the Session, read, and marked A first reading. Adjourned after 3 till Friday next.

### 13.—FRIDAY, NOV. 1.

After a proposition made by My L. Marchmont, To proceed to the consideration of the First Article of the Treaty of Union, and reasoning for a recess to consider of it, and to advise with constituents; M. L. Collinton gave in an Address, by 6 heretors of Mid-Lothian, Bothwell of Glencroft, Deans of Woodhouselee, Drummond of Hathorndean, Sir John Ramsay of Whitehill, Ross of Cockpen, [John] Lauder younger of Fountainhall, and a great many fermors and tenants, &c., shewing, That there being a Treaty of Union before the Parliament, they intreat and confidently expect the Parliament will not go in to it, contrary to the honour and independency of this kingdom; obliging themselves with their lives and fortunes to defend the interests and privileges of this kingdom, the Claim of Right, and Church established by Law. Another from about 24 heretors in West-Lothian; 3 from Perthshire, wherein is no mention of the Church. Resolved, That next Session the Parliament will proceed to consider Whether to enter upon the 1st, or any other Article.

Adjourned till to-morrow. The Session adjourned till 1. December.

### 14.—SATURDAY, NOV. 2.

Proceeded to consider What Article should first be under consideration. The Register gave in a motion, That the Parliament will proceed first to consider Article First; but so as, unless all the other Articles be adjusted, it

shall be of none effect. And after the 1st Article the[y] will proceed to settle the Church as it is now settled by law, in doctrine, discipline, worship, and government. Pardovan gave in a vote, That the Parliament will first settle the Church, before considering any of the Articles. So the question was First or Second : carried First by about 36 votes. Then proceeded to consider the First, as to which Pitmedden read a long speech. My L. Belhaven had a long discourse, and Salton, and the Marquis of Annandale, M. L. Marchmont, &c., and long debate till near 8 ; so that of consent the matter was delayed till next Sederunt, and none to speak except as to new matter.

The Parliament adjourned till Munday at 10 a clock.

15.—MONDAY, NOV. 4.

After much reasoning and debate about the First Article, the D. of Athole gave in a Protestation against voting and Approving it, in his own name, and of those who should adhere. The Parliament voted the First Article, and Approved thereof by 32 votes at least. The D. of Hamilton declared he had a Protestation to give in on the peculiar concern of his family, but that he would not now trouble the Parliament with [it,] if he might be allowed to offer it at another time, which was granted. The Overture for an Act for Security of the Church, in case of an Union, given in by the Just. Clerk, was read, and ordered to be printed.

The Parliament adjourned until Wednesday.

16.—WEDNESDAY, NOV. 6.

After reading the Minutes, much time was spent about the D. of Athole's Protestation ; and all who were given in in a list to Adhere were called to know if they Adhered, and they who Adhered are to have their names insert in the Minutes ; also all who approved not the Act were called, and all who did approve it were called, to know what their votes were, and all their names to be insert in the Minutes,—an extraordinary method.

Then Addreffes were read from the Royal Burrows ; but it was obferved that the Provett of Edinburgh only, as prefes of the Meeting, figned it, whereas it was ufual in Addreffes for all to fign. Item, That tho' the plurality carried the Addrefs, yet, that they were by far the moft inconfiderable in the Tax-roll ; the other were above 60 pounds, and they only 15 pounds. Then the Addrefs from the fhire of Renfrew, Falkland, Fife, town of Hamilton, were read. Then the Act for Security of the Church read and marked A 1ft reading. Act prefented by the E. of Glasgow, for a Cefs, read and marked A 1ft reading ; and he gave in a ftate of the funds formerly laid on, and how employed.

The Parliament adjourned till Friday next.

#### 17.—FRIDAY, NOV. 8.

After reading the Minutes, an additional Addrefs was given in by the Commiffion of the Gen. Affembly, and read, relating to 6 particulars. 1. The Sacramental Teft. 2. The Coronation Oath. 3. Commiffion for Plantation of Kirks, and a Court for redreffing of Grievances, &c. 4. To free the Subjects of this Kingdom of all Oaths and Tests, contrary to our principles. 5. To clear the Oath of Abjuration, which relates to feveral Acts of Parliament. 6. That joining in a Britifh Parliament, where are 26 biftops, be not interpret a receding from their principles and covenants againft churchmen's having civil places and power. Some other Addreffes were read, and ten given in from feveral parifhes, by Laminton, where there was a controverfy with the Register, about payment of his dues. Laminton having offered half-a-guinea for each, and the Register demanding a guinea ; left undecided. The reft left unread till next Sederunt of Parliament, when half an hour is to be employed in reading Addreffes.

Then read over the Act for Security of the Church, and when they, proceeding to it by § §., moved, That the Addrefs from the Church read this day fhould be ordered to be printed : Answer, a Petition was never ordered

to be printed ; but the Church has a printer, and they, if they think fit, may order it to be printed. Then moved, They could not proceed till Members understood what was in that Address. The D. of Athole moved, They should lay aside that Act, and proceed to the Act for the Supply, which was agreed to ; and it was read. There was a vote If the Annual Rents should be 5 or  $5\frac{1}{2}$  per cent : carried  $5\frac{1}{2}$  during the Supply ; and it was agreed and voted There should be 1 month payed at Mart. next, 1 month  $\frac{1}{2}$  at Candl.  $1\frac{1}{2}$  month at Whitf.  $1\frac{1}{2}$  month at Lam.  $1\frac{1}{2}$  at Mart. 1707, 1 month at Candl. 1708.

The Parliament adjourned till to morrow.

#### 18.—SATURDAY, NOV. 9.

Some further discourse about the Register's dues. Proceeded to the Act for Security of the Church. Moved, That some other laws, as the Act anent Patronages be mentioned ; others opposed it, and it was put to the vote, Add or Approve : carried Approve, for which D. Argyle and Athole, Sutherland, Haddington, Leven, Marchmont, Justice Clerk, President, Jerviswood, &c., was for Approving. Then came to the clause about Masters of Colleges and Universities, when Sir P. Home moved a clause to be added for continuation of the being of Universities and Colleges. D. of Athol moved a delay, till it might be considered how that clause should be conceived ; seconded by D. Hamilton, Marshal, &c. upon which a long debate. L. Fountainhall moved that the clause, as amended by Sir David Dalrymple, viz. That all the Rights and Being of Universities, conform to the stand[ing] Laws be continued, be added in this Act, and any other Act be brought in for their farther security to be also fundamental ; which may be brought in in several Articles of the Treaty. As Marchm. moved, the vote was stated, Approve of the clause as Amended, or Not, and the Rolls called the length of the Marquiss of Twedale ; then the D. Ham. and Ath. interrupted the calling the Rolls, and a long jangle ensued, which resolved in a vote, Approve or Not ; and carried Approve.

The Parliament adjourned till Tuesday.

19.—TUESDAY, NOV. 12.

After an half hour on Addreffes, the Parliament proceeded to the Act for Security of the Church ; and my L. Belhaven gave in a Proteftation in his own Name, and all fhould adhere to him, againft paffing it, as not fufficient for its fecurity. And moved by the D. of Argyle, That the names of fuch as voted for or againft the Act be marked ; and in end, the Act was put to the vote ; and it carried by 112 Approves, and 38 Noes.

The Parliament adjourned till Thursday next.

20.—THURSDAY, NOV. 14.

After reading fome Addreffes, the L. Register gave in a paper thus : Moved, That the Parliament proceed to the Second Article, but fo as that the approving thereof fhall be of no effect untill all the other Articles of the Treaty be adjusted and ratified by an Act of Parliament, and the fame be agreed to by the Parliament of England. Salton gave in a Refolve, To proceed firft to the 4<sup>th</sup>. Article. A long debate was, which to proceed to ; and moved by the D. of Ham., That their names fhould be printed, how every one voted ; and the vote being put : carried to proceed to the Second Article be 26, or, as I counted, 27 votes.

The Parliament adjourned till the morrow at 10 a clock.

21.—FRIDAY, NOV. 15.

A Representation from the Church of the encrease of Popery, Immorality, and Irregularities, craving fuitable remedies, and particularly fetling the Succeffion in the Proteftant line. Several Addreffes read. Then came to confider the Second Article of the Treaty. D. Ham. had a difcourfe directed to M. L. Commiffioner, craving a Recefs untill His Grace acquainted the Queen with the general averfion of the nation, appearing by the multitude of Ad-



dressés presented, and till she signified her mind further. Others moved an Address by the Parliament to the Queen. After long debate and sharp expressions between M. L. Stairs, Belhaven, the Marquiss of Annandale, and D. Ham., moved To proceed and Approve the 2<sup>d</sup>. Article. Belhaven moved, The vote should run, Approve or Address, and it came to that, Approve or Not, or Address or Not : carried Approve or Not. Then the vote was craved, Approve or Not be 63. Then moved the vote, Approve or Not. D. Ham. and others said, They behoved to be heard speak on it ; others opposed that, and a great clamour was for a long time. Then moved, That a previous vote should be, Proceed or Delay. Others moved, That first the English Acts related to in the Second Article should be read ; which was done, and the vote was put, Proceed or Delay : carried Proceed be 39 votes. Then voted, Approve or Not : carried Approve be 58 ; the E. of Marfhal having first given in Protestation against the vote in his own name, and those should Adhere to him ; and severals cried out Adhere.

#### 22.—MUNDAY, NOV. 18.

After the Minutes, and some other Addreses read, came to the Third Article, and some reasoning why they should proceed first to Article 4. ; and being voted, carried be 25 votes to proceed to the 23<sup>d</sup>. Article. Then reasoned upon it. M. L. Fountainhall moved, upon supposition of approving of the same, What security there would be for observance and performance. After many others spoke, D. Ham. gave in a Resolve, That the Representatives from North Britain should have a negative in matters essential and fundamental in the Union, and upon incroachment, the Union be *ipso facto* dissolved. It was answered by M. L. Stairs, That the proper time of speaking to the warrantice, was, when they had gone throw all the Articles. So the Resolve was left to ly upon the table, and coming to the vote, a Protest was given in by the Marquiss of Annandale, and the Adherers desired to declare their Adherence with their vote ; and the question being put, it carried Adhere by

30 votes, as I reckoned. One of the Addressees was from the Ministers of the Presbytery of Lanerk.

Adjourned till the morrow.

23.—TUESDAY, NOV. 19.

After reading the Minutes, and an Address from the town of St. Andrewes, Petition be Sir Patrick Home, and calling for Answers to Grant's Petition, which is remitted to any commission to be named this Session of Parliament, or failing thereof, to the Lords of Session; the D. of Athol proposed to add to the 3<sup>d</sup>. Article, That the Parliament of Great Britain sit in Scotland once in the 3 years; which, after some debate, was delayed, and the consideration thereof to be taken in upon Article 23.

M. L. Chancellour had told the House, that yesternight there was a mob insulted the Q. Commissioner by throwing of stones, and moved, Some course might be taken to enquire who were authors and abettors thereof, and for preventing thereof in time coming. Some discourse was thereon, and it was told the Commissioner's servants were beat, wounded, and robb'd. Some were for remitting the tryal to the ordinary court; but it was said, this was not a tryal but an enquiry, and after some reasoning, the same was remitted to the Committee already named. The Provost of Edinburgh being called for, he was asked Why nothing was done against them who were prisoners for the last mob? It was answered, That the Town desired their Assessors might sit with Mr. W<sup>m</sup>. Black, the E. of Errol's depute, and they were ready to furnish probation. Mr. Black being present, made answer, but I know not what it was; so it was recommend to them to insist.

Proceeded on Article 4. Salton had a long discourse, shewing the Disadvantages of the Communication of Trade with England. Sir Dav. Dal. had a long discourse of the benefits thereof. Salton alledged, There was a heap of 20 particulars spoke to, and moved they should speak to distinct branches severally. Sir Th. Burnet moved, What concerned Trade in the

Articles, might be remitted to a Committee. It was told, by what had been moved (by Salton), was an evident design to protract and delay business. The Chancellour moved, If Members were not ready, they might think on it till next Sederunt ; which being acquiesced in, the Parliament was adjourned till Thursday next.

24.—THURSDAY, NOV. 21.

After the Minutes, discoursed a considerable time on Article 4, and it was approved be 156, and 19 Nos.

Then proceeded to Article 5, and after some discourse, an Amendment was given in by the Royal Burrows ; another by the D. of Ham. ; and after some reasoning, adjourned the debate ; and the Parliament adjourned till Saturday next, precisely at 10.

25.—SATURDAY, NOV. 23.

After reading the Minutes and some Addresses, proceeded to Article 5, and the President of the Session gave in an Amendment from the Committee of the Burrows, That all ships and vessels that Scotsmen have a share in the time of concluding the Union by the Parliament of Scotland, should be reckoned of the build of Great Britain, they purchasing the shares of the strangers within a 12 month after 1. May next. L. Belhaven gave in an Amendment, That it should be after concluding of the Union by both Parliaments, and 6 months thereafter. It was put to the vote, and carried as the President gave it in. Then the clause about Registration was voted and approved.

The Parliament adjourned till Tuesday next.

26.—TUESDAY, NOV. 26.

After the Minutes, and some Addresses, several Petitions and Acts for

several burghs, for 2 pennies on the pint for 19 years, read, and marked A first reading.

Then proceeded to Article 6. of the Treaty, and several discourses were made, about condescending on the Impositions in England, and of the Customs in Scotland, which resolved in this, That the scheme now ready made by the Council of Trade be laid before the House, and the Debate to be resumed without intervening of any other matter.

Adjourned till to morrow at 10 precisely.

#### 27.—WEDNESDAY, NOV. 27.

After the Minutes, and some Addresses, one of 6 or 7 sheets of subscriptions from Mid-Lothian, proceeded again to Article 6., and moved, It should be committed. Voted, Committ or Not : carried Committ. Moved, To committ to the Committee already named, or a New one ; others moved, Add or Not : carried Add. Then the question was, Add to the present Committee, 2 or 4 : carried 2.

So the Parliament was adjourned till the morrow.

#### 28.—THURSDAY, NOV. 28.

The Estates having separated, they brought to be added to the present Committee, *For the Nobility*—The Earles of Haddington, Cromarty—*For the Barons*—The L. Minto, Sir Th. Burnet of Leyes—*For the Burrows*—Sir John Erskin, Sir Peter Hacket.

Proceeded to the consideration of Article 7., which resolved in a question about the Excise of Ale ; with an Amendment given in by Scot of Logie, That all twopennie ale bear never higher excise then what it presently bears, and it may be cheaper by manngement, and the excise may be taken away, seing it is not annexed as it is in England ; and another addition offered by the L. Belhaven, That the twopennie ale pay no more excise than the penny beer in England, which was alledged would diminish the equiva-

lent granted by England. The vote went approve of 1st or 2d Amendment : carried the First be 33 votes.

Parliament adjourned till to morrow at 10 a clock.

29.—FRIDAY, NOV. 29.

After reading of the Minutes, the Chancellour told he was ordered by the Privy Council to lay before the Parliament, That my L. Commissioner and others had received advice from the Magistrates of Glasgow, that they had been lately insulted by the mob, not so much by those of the town as those from the country, demanding money and arms ; that the Town had suppressed them, and hoped to keep the peace there. As also, there was advice from the Magistrats of Drumfries, that about 420 foot and 120 horse, commanded by one . . . . . Harries, came to the town after the Town's endeavours to resist them, but in vain, and there drew up and burnt the Articles of Treaty of the Union ; which latter were read. [The] proclamation they made was read, and it was moved, Some course might be thought upon for suppressing these insolences ; and a proclamation was offered, mentioning the shire of Cluidfdale, and the neighbouring shires to Drumfries. The D. of Hamilton and M. of Annandale opposed it, feing there was no special information against them. So the Commissioner told, he had advice there was irregular meetings in Cluidfdale. Others condescended on Kirk of Shots, Lefmahago, and Stennhouse, where several letters unsubscribed were dropt, [to] require several parishes to meet and rendezvous, and be ready on a call with 10 dayes provision. Then the proclamation was objected against for forbidding all assemblies in arms during this Session of Parliament. It was alledged to be a suspension, not a rescission of the Act of Security, requiring the heritors, &c., to bring arms, and muster their men, at least once a month. It was further said, this could not be without an Act of Parliament, requiring two readings. The matter was adjusted, and the proclamation was amended, forbidding all assemblies in arms, contrary to

law, which was voted and approved. And an Act, suspending that clause of the Act of Security, of mustering during this Session of Parliament, was read, and marked A first reading. In the first debate there fell a mistake between the E. of Abercorn and My L. Collinton. My L. Coll. had said something that Abercorn thought looked like a threatening by the mob, whereupon he said, He thought they were not only threatened by the mob without doors, but within doors, and that Members had said something the other day to the same purpose. Collinton told what he had said, That he desired the advice of the Parliament, whether he should take and offer the Mid-Lothian Address, or leave them to take their own way ; and he thought the inference made thereupon, was only fitt to be made by one of Bogland. This being understood of Ireland, where the E. of Abercorn has his interest, was refuted by several, particularly by the D. of Argyle, who desired L. Collinton might be sent to the Bar. There was some talk ; at last Collinton said, He intended to vindicate himself from having any hand in encouraging the mob, but he craved pardon of the House, and that noble Lord, for what he had said.

The Parliament adjourned till the morrow at 10 a clock.

### 30.—SATURDAY, NOV. 30.

After the Minutes, proceed to the Act suspending the clause of the Act of Security, during this Session of Parliament, (but first an Address is read from the Burgh of Air, very discreet, and craving some amendments may be made of the Articles of Union, and seems to incline for the Union). There was some reasoning against it as not necessary ; but it came to a vote, Approve the Act, which discharges all assembling in arms during this Session of Parliament, under the pain of Treason : it carried, with few Noes, and some Mutes. D. Ham. was not present. D. Athol was No, and Errol, Viscount Stormont, Kilmaronock, &c. The Proclamation and Act of Parliament sent to the Cross to be proclaimed.

Act for adjourning the Session till 1. January read, and marked A first reading.

Articles 7. and 8. remitted to the Committee. Adjourned till Tuesday next.

31.—TUESDAY, DEC. 3.

The Parliament, after the Minutes and some Addresses, proceeded, and with very little struggle, approved Articles 9.—13. Only what was said anent the perpetual Exemption of the Malt is reserved till the subsequent Article.

Adjourned till Thursday next.

32.—THURSDAY, DEC. 5.

There was an addition given in by Salton, by way of Amendment of Article 14, as to the Malt, That it be free of all imposition for ever. Some moved, It should be during the warr, as the E. Stairs ; others for 7, others for 13 years or 21. So the vote was, If the Exemption should be Temporary or Perpetual : carried Temporary be 32 votes. Then the vote was, During the War, or A longer time ; and the votes were equal, and my L. Chancellour carried it During the War.

The Parliament adjourned till the morrow.

33.—FRIDAY, DEC. 6.

Proceeded to another Amendment to Article 14. given in by Salton, That the nation of Scotland be for ever free of all burdens, but what is agreed to by these Articles ; others added, For payment of the English debts. So after long reasoning, it was moved, The vote might be Approve the Article or Not. Others moved the vote might be, Approve or Amend. In end, the vote was stated First or Second : carried First be 18 votes. The[n] the question was stated, Approve the Article or Not : carried Approve be 38 votes.

Adjourned till to morrow.

## 34.—SATURDAY, DEC. 7.

The Report of the Committee anent the Equivalent being read, declaring that the calculation remitted to them is just, as was found by Dr. Gregory and Dr. Bower ; and the 15. Article read, and the 1st §. again read. Salton gave in an amendment, That they should not be subject to the English debts. Others pressed To approve the §. or Not, which was first moved ; so the question came to the 1st or 2d : carried 1st be 71 votes, as some say ; I counted only 59. Then the vote was put, Approve of the §. or Not : carried Approve by a vast number, whereof D. Ham. and L. Belhaven were two ; but D. of Athol, &c. were not : the votes to be printed, and a protestation by the L. Belhaven. . Moved by the Marquiss of Montrose, That the Parliament would reward Dr. Gregory and Dr. Bower for their pains, or remitt them to the Lds. of Thefaury ; and the[y] were remitted to the Lords of Thefaury.

The Parliament adjourned till Tuesday.

## 35.—TUESDAY, DEC. 10.

Some Addres read. There was a Report by the Committee upon the Article 6. That when the Oates is at 15 shillings Sterling, or under, per boll, the quarter of meal shall have half-a-crown of premium for what shall be exported, which will be 15 pound per boll, or thereby. This Report was craved To be printed, and so reasoning and debate was upon this. Then passing over from this, it was craved, That all the Report of the Committee about what was committed to them might be first read, before any thing should be voted ; and this was stuck to by the D. of H., M. of An., and Salton tenaciously ; and some of them spoke so often, that it was moved by the D. of Arg. That the Orders of the House ought to be kept, and that whoever transgressed them should be censured as incroaching on the privileges of the House. This was warmly insisted in by the E. of Mar, and a vote craved



upon it ; but it resolved in this, That the Chancellour should stop such as transgressed. Then the vote was put, Approve of the Report of the Committee as to the premium of the Meal : carried Approve by between 60 and 70 votes.

The Parliament adjourned till to morrow.

36.—WEDNESDAY, DEC. 11.

Some Addresses read ; one from the Presbytery of Hamilton, of an extraordinary nature, against the Union, says, the General Assembly should be called before they proceed further in it.

Sir Pat<sup>r</sup>. Home gave in an Overture for a premium upon Oats, proportioned to the Meal, 3 bolls making a quarter, and other grains ; but it was rejected by a vote.

The [Com]mittee's Report Anent the duty on Woollen Manufacture, read ; and, after some reasoning, simply approved. Their Report anent the duty of Linnen, which is but 6 pounds on the 40 English elns, which is 50 of ours, read ; and after long debate, voted and approved.

The Parliament adjourned till to morrow.

37.—THURSDAY, DEC. 12.

Some Addresses read ; then some Reports of the Committee, which were approved, with reservation to the Woollen Masters for the Committee to provide some encouragement to them.

The Parliament adjourned till Munday next, Lord John Hay's corps (brought from Flanders) being to be interred at Yester to morrow.

38.—MUNDAY DEC. 16.

Some Addresses read. The 6. Article, with the Amendments from the Committee, read and approved, with some debate, by 2 votes. The first was,

If the vote should be Approve or Not ; the 2<sup>d</sup>., If it should be Approve or Amend : carried the First by 40, as I reckoned. Then the vote was Approve or Not : carried Approve.

Then the 8. Article, which had likewise been committed, was read ; and a Report from the Committee, amending the 1<sup>st</sup> paragraph, bearing, That instead of payment of the duty of Salt at importation, it is provided, that when it is imported, it be put up in a cellar, whereof the merchant is to have one key, the Sovereign's officers another, and that the merchant be allowed to take out what he pleases, not under a weigh, which is 40 bushels, about 10 bolls, and then he is to give bond for the duty, payable in half a year.

This delayed till next Sederunt ; and the Parliament adjourned till to morrow.

### 39.—TUESDAY, DEC. 17.

When I came to the House, they were upon Salton, who said, That what My L. Stairs had said in reference to the Minutes, was not true. My L. St. desired the House to take notice of what Salton had said, otherwise he would [be] obliged to say What he had said was a lye. After near an hour's discourse about this, and some having moved That both should crave the House pardon, Salton craved the House pardon, but shifted craving Stair's pardon. Stairs said, If what he had said had offended the House, he craved pardon. Then the Chancellor said, He hoped Salton would acknowledge that he meant no reflection on M. L. Stairs, but only to contradict the thing he had said, and if he had given him offence he craved him pardon ; which Salton assented to, and both of them gave their word of honour not to resent it without doors.

The Parliament proceeded to Article 8., and received some reports of the Committee, but have not yet finished it.

Adjourned till to morrow.

## 40.—WEDNESDAY, DEC. 18.

Proceeded, and generally approved the next Report of the Committee, about Salting what shall be exported with Forraign Salt.

Adjourned till to morrow.

## 41.—THURSDAY, DEC. 19.

The Parliament has upon 8th Article granted 6 pounds 5 shillings Sterling upon the laft of drawback for Herrings, &c. exported, by acquiescence, without a vote; and there being a drawback demanded on Beef and Pork exported, which others alledged was not allowed in England, the debate was adjourned; and the Parliament adjourned till to morrow.

## 42.—FRIDAY, DEC. 20.

The Parliament proceeded to the drawback on Beef and Pork; and after much reasoning, the vote was put, Approve of the Report of the Committee, That there ought to be no Drawback, or Alter: carried Alter be one vote; two of the traders being for altering, Sir Patrick Johnston and Pitmedden. Some alledged this alteration left the matter intire, if the drawback should be on both; but this was generally spoken against. What the drawback should be is adjourned till next Sederunt; and the Parliament adjourned till Munday next.

## 43.—MUNDAY, DEC. 30.

I having been unwell, and kept the house from Friday laft till Thursday, January 2, 1707, I refer to the Minutes for the 43, 44, 45 dayes Minutes, viz. for

## 44.—TUESDAY, DEC. 31, 1706.

## 45.—THURSDAY, JAN. 2, 1707.

## 46.—FRIDAY, JAN. 3.

Refers to the Minutes.

## 47.—MUNDAY, JAN. 6.

W[ent] to the Parliament. They added Superiorities to Article 20. and voted and approved it. Then came to Article 21. Stewart of Pardovan commissioner for the town of Linlithgow, moved, That there were many privileges in the Royal Burrows prejudicial to trade, as expensive entries, &c., which should be excepted. Others moved, That notwithstanding of the Article, it be left to the Parliament of Great Britain to Alter. So the vote was Approve the Article or Not, or Alter or Not; 1st or 2d : carried 1st. Then the vote was made, Approve or Not : carried Approve. Article 22. read ; and the Parliament adjourned till to morrow.

## 48.—TUESDAY, JAN. 7.

Went to the Parliament at 2 a clock. They had been discoursing on Article 22. clause 1., and as I came in, were reading Proteftations given in by the D. of Athole, E. of Buchan, Lockhart of Carnwath, and Wal. Stuart of Pardovan ; and then voted the first clause with the Amendments.

## 49.—WEDNESDAY, JAN. 8.

This morning the E. of Stairs, who was yesterday in Parliament, died of an apoplexy.

This day spent in jangling, and nothing done.

Parliament adjourned till to morrow.

## 50.—THURSDAY, JAN. 9.

The Dukes of Argyle and Athole reconciled about the difference happened yesterday; marked in my Diary.

Agreed, That the Proteftations given in by the D. of Athol, E. of Buchan, Laird of Carnwath and Pardovan, and that given in by the E. of Marchmont againft them, be all recorded and marked in general in the Minutes, but that none of them be printed.

Proceeded to the 2d claufe of Article 22, which was after debate voted and approved. Read the laft claufe, and an Amendment given in by Mr Dowgal Stewart, for the eafe of tender confciences, That perfons in publick office be not obliged to take the oath of Abjuration. Another by Mr. Abercrombie of Tillibodie, for fecuring this part of Brittain from any to be employed in publick office till they fubfcribe the *Formula* fubjoined, concerning our Church Government, fo long as the Sacramental Test continues in England. Thefe were declared to be referved intire, to be confidered afterwards. Then the vote went, Proceed or Delay : carried, Proceed by a great many. Then the vote was Approve of the Article or Not : carried Approve.

The Parliament adjourned till the morrow.

## 51.—FRIDAY, JAN. 10. 52.—MONDAY, JAN. 13.

## 53.—TUESDAY, JAN. 14.

This day the Parliament went throw the laft two Articles of the Union, and approved them. Refers to the Minutes, I not having been abroad thefe days throw indifpofition.

## 54.—WEDNESDAY, JAN. 15.

Told that the Act for the Union was brought in and read over, and marked A firft reading.

The Parliament meets to morrow.

## 55.—THURSDAY, JAN. 16.

Went to the Parliament this day. The Act ratifying the Articles of Union, and the Act for Security of Protestant Religion and Presbyterian Church Government, read again. The said Act for Security called for and touched. The Act of Ratification had in it a clause, allowing the Parliament of England to provide for the security of their Church in such ways as they shall think fitt, not derogatory to the security for this Church, and ratifying the same. A petition from the Commissioners of the G. Assembly, representing that the said clause was of dangerous consequence, and might create disturbances in Church and State. After some discourse, that part of the clause, ratifying what the Parliament of England should do, was left out, and the vote put, Approve of the Act or Not: carried Approve be 40 votes, and the voter's names appointed to be printed. Thereafter the Act being signed by the Chancellour, was called for by the Commissioner, and touched.

The Parliament adjourned till Munday next.

## 56.—MUNDAY, JAN. 20.

There happened a debate between the E. of Buchan and the Register, about the Minutes, before I came in. The Register had said That what the Earl had proposed was improper. The Earl said, What the Register said was presumptuous; and after some talk, the Register did let the matter fall.

The E. of Marchmont gave in a proposall, That the 61 Members from this Nation to the Parliament of Brittain, be chosen by this House; whereupon, after some reasoning, the debate was adjourned until next Sederunt, and the Parliament was adjourned untill to morrow.

## 57.—TUESDAY, JAN. 21.

The Parliament resumed the last dayes debate; and after long reason-

ings, and severall motions given in, the vote was put, Approve of the Over-  
ture given in yester[day] by M. L. Marchmont, or Not ; and it carried Ap-  
prove, That this Parliament should chuse the Members from this kingdom  
to the Brittiſh Parliament, in caſe the Queen think fitt to continue this Par-  
liament of England : carried be 20 votes.

The Parliament adjourned untill to morrow.

58.—WEDNESDAY, JAN. 22.

The Parliament voted and carried, The chuſing of the 16 Peers ſhould  
be by Election, not by Rotation ; and by a 2d vote, That the Election  
ſhould not be by Ballotting, as M. L. Cromarty moved, but by open Elec-  
tion. As to the diviſion of the 45 Members for the Houſe of Commons,  
moved by Arkinglaſs, That ſeeing by paction the Burrows was to bear the  
6. part of the publick burden, they ſhould have 10 and a fraction. But it  
was moved, That the matter ſhould be adjourned till tryal could be taken,  
if it could be adjusted between the Barons and Burrows ; which was agreed  
to, and the Parliament adjourned until Friday.

59.—FRIDAY, JAN. 24.

The Parliament, upon an agreement between the Barons and Burrows,  
of 30 Representatives for the Barons, and 15 for the Burrows, had a queſ-  
tion ſtated, Approve of 30 and 15 or Not : carried Approve by a vaſt plu-  
rality, although I was told there was ſome debate about it. There remains  
another queſtion, which I'm told is agreed between the Barons and Burrows,  
That no nobleman, or nobleman's eldeſt ſon, ſhall be elected to be a Mem-  
ber of the Houſe of Commons.

The Parliament adjourned till Munday next.

60.—MUNDAY, JAN. 27.

The Parliament was upon a claufe brought in by Salton, That no noble-

man, or nobleman's eldest son, should be capable to be chosen by the Barons or Burrows in the House of Commons ; which was agreed upon by the Barons and Burrows. Another motion was made, That the Elections by the Barons and Burrows should continue, as is now by law established. The vote was stated, Approve of the first or 2d clause : carried, Approve of the 2d by 13 votes, and the names of the voters to be printed.

Adjourned till to morrow.

61.—TUESDAY, JAN. 28.

The Parliament, in order that every shire may have a Commissioner of 30, agreed to have this day approved of the Overture, That being there are 33 shires, Bute and Caithness vote *per vices*, beginning with Bute, Nairn, and Ross, *per vices*, beginning with Nairn, Clackmannan, and Kinross, *per vices*, beginning with Clackmannan. As to the Election of the Burrows, the debate is adjourned untill next Sederunt ; and the Parliament adjourned till to morrow.

62.—WEDNESDAY, JAN. 29.

The Parliament has granted the town of Edinburgh one Commissioner, and divided the rest of the Burrows into 14 districts, every district to have 1 Commissioner, making in all 15, but have (it seems) left the place of their meeting to the Queen, and every Burrow is to send a delegate to chuse their Commissioner. The D. of Argyle gave in a Resolve, which was read, for the Commissioners of the Treaty of Union's expenses,—1000 pounds Sterling for every nobleman, 500 pounds Sterling for every other, and 400 pounds Sterling to their secretary, and 400 pounds Sterling to each of two accountants. This was stood up against by Jerviswood, the Marquis of Tweeddale, and E. of Marchmont, &c., as unreasonable, the Act they were on not being finished. The Resolve was made in more general terms by the Register, without condescending on the quota and fund, which was men-



tioned by the D. of Argyle to be the Equivalent, That the Parliament would declare it a debt, and provide for payment thereof ; but it being late, the Debate was adjourned, and the Parliament adjourned till Friday.

63.—FRIDAY, JAN. 30.

Went not out, being indisposed, but told that the Parliament has agreed to the expenses of the Commissioners of the last Treaty, at 1000 pounds Sterling each nobleman, 500 pounds Sterling each other, &c., to be taken out of the Equivalent after the Africa Company is payed ; and to 500 pounds each nobleman, 300 pounds each baron, and 200 each burrow, on the former Treaty.

64.—MUNDAY, FEB. 3. 65.—TUESDAY, FEB. 4.

I went not to the Parliament, so refers to the Minutes.

66.—WEDNESDAY, FEB. 5.

The Parliament approved the Act for Elections to the first Parliament of Brittain, and in all time coming, and same was touched by M. L. Commiffioner.

Act against the Papists brought in from the Committee, read.

Proclamation about the Coin read and voted.

Act read, remitting the Plantation of Kirks and Valuation of Tiends to the Lords of Session ; Commission to the same purpose,—both brought in from the Committee.

The Parliament adjourned till Munday.

67.—MUNDAY, FEB. 10.

I went not out, so remits to the Minutes.

Adjourned till Wednesfday.

## 68.—WEDNESDAY, FEB. 12.

I went to the Parliament, but the Eftates did chufe their Representatives to the British Parliament.

## 69.—MUNDAY, FEB. 17.

Went not to the Parliament. Paffed the Act, remitting the Plantation of Kirks and Valuation of Tiends to the Lords of Seffion. Rejected the Act for the Drawback on Meal, from this to 1ft of May.

## 70.—THURSDAY, FEB. 20.

Were on private affairs.

## 71.—FRIDAY, FEB. 21. 72.—WEDNESDAY, FEB. 26.

Refers to the Minutes.

## 73.—MUNDAY, MARCH 3.

Refers to the Minutes.

## 74.—FRIDAY, MARCH 7.

Refers to the Minutes.

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The following is the entry referred to by Lord Croffrig, at p. 194, as contained in his private Diary, but which was not obtained in sufficient time to insert in its place as a foot-note.

WEDNESDAY—JAN. 8, 1707.

At 2 went to the Parliament, where there was much jangling about some expression the D. of Athole had about his Protestation, which the D. of Argyle whispered in his ear was a lye; which being told the House by Kilmaronock, took up a long time. At last the Parliament did remitt the adjusting the matter to the Earls of Errol, Marshall, and Leven, and took both parties' word of honour to do nothing in the mean time. Then the question was put, If the Protestations should be published at length in the Minutes; and when it seemed agreed to, the E. of Marchmont gave in a counter Protestation, That 4 of them were presumptuous, illegal, and unwarrantable, derogatory to the authority of the Queen and Parliament, and tending to sedition, &c. These matters were adjourned till next Meeting.





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